

## GENERAL PROVISIONS

# 1 ARTICLE ONE – GENERAL PROVISIONS

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### 101 Title

This title of the Storm Lake Municipal Code shall be known as the Zoning Ordinance of the City of Storm Lake.

### 102 Jurisdiction

The provisions of this chapter shall be applicable to all property within the corporate limits of the City of Storm Lake and within two miles of the corporate limits as provided by [Chapter 414, Code of Iowa](#).

### 103 Purpose

The purposes of the Zoning Ordinance of the City of Storm Lake are to:

- a. Serve the public health, safety, and general welfare of the city and its jurisdiction.
- b. Classify property in a manner that reflects its suitability for specific uses.
- c. Provide for sound, attractive development within the city and its jurisdiction.
- d. Encourage compatibility of adjacent land uses.
- e. Protect environmental, historical, and cultural assets.
- f. Further the objectives of the Comprehensive Plan of the City of Storm Lake.

### 104 Consistency with Comprehensive Plan

The City of Storm Lake intends that this Zoning Ordinance and any amendments to it shall be consistent with the City's Comprehensive Plan. It is the City's intent to amend this ordinance whenever such action is deemed necessary to keep regulatory provisions in conformance with the Comprehensive Plan.

## **GENERAL PROVISIONS**

### **105 Conflicting Provisions**

The Zoning Ordinance shall be held to provide the minimum requirements necessary for the promotion of the public health, safety, and welfare. If any provision of the Zoning Ordinance conflicts with any other provision of the Zoning Ordinance, any other Ordinance of the City of Storm Lake, or any applicable State or Federal law, the more restrictive provision shall apply.

### **106 Relief from Other Provisions**

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

### **107 Severability of Provision**

If any chapter, section, clause, or phrase of this Zoning Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

### **108 Publication**

This Ordinance shall be published in book or pamphlet and electronic (online) form and shall, together with the maps being a part hereof, shall be filed with the City Clerk of the City of Storm Lake, Iowa.

## DEFINITIONS

# 2 ARTICLE TWO – DEFINITIONS

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### 201 Purpose

Article Two shall be known as the Definitions. The purpose of these provisions is to promote consistency and precision in the interpretation of the Zoning Ordinance. The meaning and construction of words as set forth shall apply throughout the Zoning Ordinance, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

### 202 General Construction of Language

The following general rules of construction apply to the text of the Zoning Ordinance.

a. Headings

Section and subsection headings contained herein are provided for illustrative purposes only and shall not be deemed to limit, govern, modify, or otherwise affect the scope, meaning, intent of any provision of the Zoning Ordinance.

b. Illustration

In the case of any real or apparent conflict between the text of the Ordinance and any illustration explaining the text, the text shall apply.

c. Shall and May

“Shall” is always mandatory. “May” is discretionary.

d. Tenses and Numbers

Words used in the present tense include the future tense. Words used in the singular include the plural, and the plural the singular, unless the context clearly indicates the contrary.

e. Conjunctions

Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

1. “And” indicates that all connected items or provisions apply.
2. “Or” indicates that the connected items or provisions may apply singly or in any combination.
3. “Either ... or” indicates that the connected items or provisions shall apply singly but not in combination.

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f. Referenced Agencies

Unless otherwise indicated, all public officials, bodies, and agencies referred to in this Chapter are those of the City of Storm Lake.

### 203 Definition of Terms

For the purposes of this Zoning Ordinance, certain terms and words are hereby defined. Certain sections contain definitions, which are additional to those listed here. Where terms are not specifically defined, their ordinarily accepted meaning or meanings implied by their context shall apply.

### 204 A

1. **Abutting:** Having lot lines or district boundaries in common, including property separated by a public street or alley. Used interchangeably with adjacent.
2. **Accessory Structure:** A structure, which is incidental to and customarily associated with a specific principal use or building on the same site.
3. **Accessory Use:** A use, which is incidental to and customarily associated with a specific principal use on the same site.
4. **Addition:** Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
5. **Agent of Owner:** Any person showing written verification that he/she is acting for, and with the knowledge and consent of, a property owner.
6. **Alley:** A public right of way, which is used as a secondary means of access to abutting property.
7. **Alteration:** Any construction or physical change in the internal arrangement of spaces, the supporting members, the positioning on a site, or the appearance of a building or structure.
8. **Apartment:** A housing unit within a building designed for and suitable for occupancy by only one family. Apartments are generally located within multi-family residential buildings.
9. **Attached:** Having one or more walls in common with a principal building or connected to a principal building by an integral architectural element, such as a covered passageway; facade wall extension; or archway.

### 205 B

1. **Base Zoning District:** A district established by this Ordinance, which prescribes basic regulations governing land use and site development standards. No more than one Base

## DEFINITIONS

- Zoning District shall apply to any individually platted lot or parcel unless the lot or parcel is part of a Planned Unit Development.
2. Basement: A level of a building below street level that has at least one-half of its height below the surface of adjacent ground.
  3. Beginning of Construction: The initial incorporation of labor and materials into the foundation of a building or structure.
  4. Block: An area of land within a subdivision that is entirely bounded by streets and the exterior boundaries of the subdivision, or by a combination of the above with a watercourse or lake, and which has been designated as such on a plat for the purposes of legal description of a property.
  5. Block Face: The property abutting one side of a street and lying between the two nearest intersection streets, or between the one nearest intersecting street and a major physical barrier, including, but not limited to, railroads, streams, lakes, or the corporate limits of Storm Lake.
  6. Board of Adjustment: A body, established by the City, pursuant to [Chapter 414 of the Code of Iowa](#), expressly for the purpose of granting relief from situations of hardship, to hear appeals, and to provide for approval of variances and conditional uses as provided by this Ordinance.
  7. Buffer yard: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.
  8. Building: A structure entirely separated from any other structure by space or by walls and having a roof and built to provide shelter, support, or enclosure for persons or property.
  9. Building Coverage: The area of a site covered by buildings or roofed areas, excluding allowed projecting eaves, balconies, and similar features.
  10. Building Envelope: The three-dimensional space within which a structure is permitted to be built on a lot after all zoning and other applicable municipal requirements have been met.
  11. Building Footprint: The outer boundary of a building established by the location of its exterior walls.
  12. Building Official: The designee of the City Council, responsible for the enforcement of the Uniform Building Code.
  13. Business: Activities that include the exchange or manufacture of goods or services on a site.
  14. Business Center: A building containing more than one commercial business, or any group of non-residential buildings within a common development, characterized by shared parking and access.
  15. Boarding House for Students: A boarding house for students is a residential facility providing housing for students who are enrolled in any public, private or parochial school, vocational schools, college or university together with any necessary support staff.

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### 206 C

1. Certificate of Occupancy: An official certificate issued by the Building Official or his/her designee, upon finding of conformance with the Uniform Building Code, and upon receipt of a Certificate of Zoning Compliance.
2. Certificate of Zoning Compliance: An official certificate issued by the Zoning Administrator or his/her designee, which indicates that the proposed use of building or land complies with the provisions of the Zoning Ordinance.
3. Change of Use: The replacement of an existing use by a new use.
4. Cluster: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
5. City: The City of Storm Lake, Iowa.
6. City Code: The official rules and regulations for the City of Storm Lake, Iowa.
7. City Council: The City Council of Storm Lake, Iowa.
8. Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow remaining land to be used for recreation, common open space, or the preservation of historically or environmentally sensitive features.
9. Co-Housing Community: A co-housing community is a type of intentional community composed of private homes supplemented by shared facilities. The community is planned, owned, and managed by the residents – who also share activities which may include cooking, dining, child care, gardening, and governance of the community. Common facilities may include a kitchen, dining room, laundry, child care facilities, offices, internet access, guest rooms, and recreational features.
10. Common Area: An area held, designed, and designated for common or cooperative use within a development.
11. Common Development: A development proposed and planned as one unified project not separated by a public street or alley.
12. Common Open Space: Land within or related to a development that is not individually owned or dedicated for public use, designed and generally intended for the common use of the residents of the development.
13. Compatibility: The degree to which two or more different land use types are able to exist together in close proximity, with no one use having significant negative effects on any other use.
14. Comprehensive Plan: The duly adopted Comprehensive Plan of the City of Storm Lake.
15. Conditional Use: A use that may be permitted in a zoning district subject to special conditions and with the approval of the Board of Adjustment. Conditional Uses are considered identical to Special Exception Uses as authorized by the Code of Iowa.

## DEFINITIONS

16. Condominium: A real estate ownership arrangement that combines simple title to a specific unit and joint ownership in common elements shared with other unit owners. Types of units may include dwelling units, parking spaces, office spaces, or commercial spaces.
17. Conservation Subdivision: Wholly or in majority, a residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided 1) there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and 2) the remaining land area is used for common space.
18. County: Buena Vista County, Iowa.
19. Court: An approved private right-of-way, which provides access to residential properties, does not function as a local street because of its alignment, design, or location and is completely internal to a development.
20. Courtyard: An open, unoccupied space, bounded on two or more sides by the walls of the building.

## 207 D

1. Density: The amount of development per specific unit of a site.
  - (a) Density, Gross: The total number of dwelling units divided by the total project area, expressed as gross dwelling units per acre.
  - (b) Density, Net: The total number of dwelling units divided by the total developable land area of a project. Net density calculations exclude public or private street rights of way, dedicated public park or open space, wetlands or water bodies, and any utility easement that prohibits development.
2. Drive-in Services: Uses that involve the sale of products or provision of services to occupants in vehicles.
3. Deck: a structural platform with or without a roof structure that adjoins a house and is supported by a means other than the principal structure (i.e. footings.)
4. Detached: Fully separated from any other building or jointed to another building in such a manner as not to constitute an enclosed or covered connection.
5. Driveway: A permanently paved, surfaced area providing vehicular access between a street and an off-street parking or loading area.
6. Duplex: A structure containing two separate but connected dwelling units, each of which is designed to be occupied as a separate permanent residence for one family and each of which has direct access to the outside.
7. Dwelling Unit: One or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

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### 208 E

1. Easement: A privilege or right of use granted on, above, under, or across a particular tract of land for a specific purpose by one owner to another owner, public or private agency, or utility.
2. Enclosed: A roofed or covered space fully surrounded by walls.

### 209 F

1. Family: Two or more persons (one of whom is the householder) related by birth, marriage, or adoption, living together and sharing common living, sleeping, cooking, and eating facilities within an individual housing unit.
2. Federal: Pertaining to the Government of the United States of America.
3. Frontage: The length of a property line of any one premise abutting and parallel to a public street, private way, or court.

### 210 G

1. Grade: The horizontal elevation of the finished surface of ground, paving, or sidewalk adjacent to any building line.
  - (a) For buildings having walls facing one street only, the grade shall be the elevation of the sidewalk at the center of the wall facing the street.
  - (b) For buildings having walls facing more than one street, the grade shall be the average elevation of the grades of all walls facing each street.
  - (c) For buildings having no walls facing a street, the grade shall be the average level of the finished surface of the ground adjacent to the exterior walls of the building.
2. Gross Floor Area: The total enclosed area of all floors of a building, measured to the inside surfaces of the exterior walls. This definition excludes the areas of basements, elevator shafts, airspaces above atriums, and enclosed off-street parking and loading areas serving a principal use.

### 211 H

1. Height: The vertical distance from the established grade to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the ridge for gable, hip, shed, or gambrel roofs. For other cases, height shall be measured as the vertical distance from the established grade to the highest point of a structure as herein defined. Where a building or structure is located on a slope, height shall be measured from the average grade level adjacent to the building or structure.

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2. Home Based Business/Home Occupation: An accessory occupational use conducted entirely within a dwelling unit by its inhabitants, which is clearly incidental to the residential use of the dwelling unit or residential structure and does not change the residential character of its site.
3. Housing Unit or Dwelling Unit: A building or portion of a building arranged for and intended for occupancy as an independent living facility for one family, including permanent provisions for cooking.

### 212 I

1. Impervious Coverage: The total horizontal area of all buildings, roofed or covered spaces, paved surface areas, walkways and driveways, and any other site improvements that decrease the ability of the surface of the site to absorb water, expressed as a percent of site area. The surface water area of pools is excluded from this definition.

### 213 J

### 214 K

### 215 L

1. Landscaped Area: The area within the boundaries of a given lot, site or common development consisting primarily of plant material, including but not limited to grass, sod, trees, shrubs, vines, ground cover, and other organic plant materials; or grass paver masonry units installed such that the appearance of the area is primarily landscaped.
  - (a) Perimeter Landscaped Area: Any required landscaped area that adjoins the exterior boundary of a lot, site or common development.
  - (b) Interior Landscaped Area: Any landscaped area within a site exclusive of required perimeter landscaping.
2. Loading Area: An off-street area used for the loading or unloading of goods from a vehicle in connection with the use of the site on which such area is located.
3. Lot: A parcel of property with a separate and distinct number or other identifying designation which has been created, assigned and recorded in the Office of the Buena Vista County Register of Deeds, as provided for by appropriate sections of the Code of Iowa.
  - (a) Corner Lot: A lot located at the junction of at least two streets, private ways or courts or at least two segments of a curved street, private way or court, at which the angle of intersection is no greater than 135 degrees.
  - (b) Double Frontage Lot: A lot, other than a corner lot, having frontage on two streets, private ways or courts. (Also known as a Through Lot)

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- (c) Interior Lot: A lot other than a corner lot.
  - (d) Common Development Lot: When two or more contiguous lots are developed as part of a Planned Unit Development, these lots may be considered a single lot for purposes of this ordinance.
4. Lot Area: The total horizontal area within the lot lines of a lot (as expressed in square feet or acres).
  5. Lot Depth: The mean horizontal distance measured between the front and rear lot lines.
  6. Lot Line: A property boundary line(s) of record that divides one lot from another lot or a lot from the public or private street right-of-way or easement.
    - (a) Front Lot Line: The lot lines separating a lot and a public or private street right-of-way or easement.
      - 1) For an interior lot, the lot line separating the lot from the right-of-way or easement.
      - 2) For a corner lot, the shorter lot line abutting a public or private street or easement. In instances of equal line dimension, the Zoning Administrator shall determine the front lot line, or as may be noted on the final plat.
      - 3) For a double frontage lot, the lot lines separating the lot from the right-of-way or easement of the more minor street. In cases where each street has the same classification, the front lot line shall be determined by the Zoning Administrator at the time of application for the original building permit for the lot, or as may be noted on the final plat.
    - (b) Rear Lot Line: The lot line, which is opposite and most distant, from the front line.
    - (c) Side Lot Line: Any lot line that is neither a front or rear lot line. A side lot line separating a lot from a street, private way or court is a street side lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.
  7. Lot Width: The horizontal distance measured between the side lot lines of a lot, at right angles to its depth along a straight line parallel to the front lot line at the minimum required setback line.

## 216 M

1. Manufactured Home Dwelling: Prefabricated houses that are constructed in parts off site or in a factory and then assembled at the building site in modular sections. Manufactured housing is not constructed or equipped with a permanent hitch or other device allowing it to be moved other than to a permanent site; does not have permanently attached to its body or frame any wheels or axles; bears a label certifying that it was built in compliance with the National Manufactured Home Construction and Safety Standards promulgated by the US Department of Housing and Urban Development

## DEFINITIONS

2. **Mixed Use Building:** A building or structure that incorporates two or more use types within a single building or structure, provided that each use type is permitted within the individual Base Zoning District in which the building or structure is to be located.
3. **Mixed Use Development:** A single development, which incorporates complementary land use types.
4. **Mobile Home:** A building type designed to be transportable in one or more sections, constructed on a permanent chassis or undercarriage, and designed to be used as a dwelling unit or other use with or without a permanent foundation when connected to the required utilities, but not bearing a seal attesting to the approval and issuance of the Iowa Department of Health or conformance to the manufactured home procedural and enforcement regulations, as adopted by the US Department of Housing and Urban Development; or not otherwise satisfying the definition of Manufactured Home Dwellings.
5. **Mobile Home Park:** A unified development under single ownership, developed, planned, and improved for the placement of mobile home units for non-transient use. Mobile Home Parks include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but does not include mobile home sales lots on which unoccupied mobile homes are parked for the purposes of display, inspection, sale, or storage.
6. **Mobile Home Subdivision:** A development subdivided, planned, and improved for the placement of mobile home units on lots for uses by the individual owners of such lots. Mobile Home Subdivisions may include common areas and facilities for management, recreation, laundry, utility services, storage, storm shelter, and other services; but do not include mobile home sales lots on which unoccupied mobile homes are parked for the purpose of display, inspection, sale, or storage.
7. **Modular Home:** See manufactured home dwelling.
8. **Multi-Generational Household:** a family household consisting of three or more generations living under the same roof.

## 217 N

1. **Nonconforming Development:** A building, structure, or improvement which does not comply with the regulations for its Zoning district set forth by this Zoning Ordinance but which complied with applicable regulations at the time of construction.
2. **Nonconforming Lot:** A lot which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.
3. **Nonconforming Sign:** A sign that was legally erected prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.
4. **Nonconforming Structure:** A structure which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.

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5. Nonconforming Use: A land use which was lawful prior to the adoption, revision, or amendment of this Zoning Ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning ordinance.
6. Nuisance: An unreasonable and continuous invasion of the use and enjoyment of a property right which a reasonable person would find annoying, unpleasant, obnoxious, or offensive.

### 218 Q

1. Open Space: Land and water areas retained for use as active or passive recreation areas or for resource protection in an essentially undeveloped state. Open space does not include required yard areas.
2. Outdoor Storage: The storage of materials, parts, or products that are related to the primary use of a site for a period exceeding three days.
3. Overlay District: A district established by this Ordinance to prescribe special regulations to be applied to a site only in combination with a base district.
4. Owner: An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

### 219 P

1. Parking Facility: An area on a lot and/or within a building, including one or more parking spaces, along with provision for access circulation, maneuvering, and landscaping, meeting the requirements of this Zoning Ordinance. Parking facilities include parking lots, private garages, and parking structures. Vehicle storage is distinct from parking, and is regulated by provisions in Sections 307cc, 308, 309j, Table 4-2. Provisions of Article 9 also govern vehicle storage: Parking Regulations.
2. Parking, Remote: A supply of off-street parking at a location not on the site of a given development. (also considered “off –site parking”)
3. Parking Spaces: An area on a lot and/or within a building, intended for the use of temporary parking of a personal vehicle and with a means of access to a public street. This term is used interchangeably with “parking stall”.
4. Paved: Permanently surfaced with poured concrete, concrete pavers, or asphalt.
5. Permitted Use: A land use type allowed as a matter of right in a zoning district, subject only to special requirements of this Zoning Ordinance.
6. Planning and Zoning Commission: The Planning and Zoning Commission of the City of Storm Lake, as authorized pursuant to [Chapter 414 of the Code of Iowa](#).
7. Planned Unit Development: A development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of

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development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

8. Porch, Unenclosed: A roofed or unroofed open structure projecting from an exterior wall of a building and having no enclosed features more than forty two inches above its floor other than a roof with supporting structure.
9. Premises: A lot, parcel, tract or plot of land, contiguous and under common ownership or control, together with the buildings and structure thereon.
10. Private Garage: A building for the storage of motor vehicles where no repair service facilities are maintained and where no motor vehicles are kept for rental or sale.
11. Property Line: See "Lot Line."

### 220 Q

### 221 R

1. Recreational Vehicle: A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational, or sporting purposes. Recreational vehicles include, but are not limited to, travel trailers; campers; motor coach homes; converted buses and trucks, boats, and boat trailers.
2. Regulation: A specific requirement set forth by this Zoning Ordinance, which must be followed.
3. Retention Basin: Similar to a detention basin, a retention basin is a natural or manmade depression that retains storm water runoff and does not outlet it to a surface water body. Retention basins temporarily store water until it has infiltrated into the ground or has evaporated.

### 222 S

1. Screening: The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other features as may be permitted by the landscape provisions of this ordinance.
2. Setback: The required distance between every structure and the lot lines of the lot on which it is located.
3. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land, which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.

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4. Site: The parcel of land to be developed or built upon. A site may encompass a single lot; or a group of lots developed as a common development under the special and overlay districts provisions of this ordinance.
5. Site Plan: A plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses, and principal site development features proposed for a specific parcel of land.
6. State: The State of Iowa.
7. Story: The portion of a building included between the surface of any floor and the surface of the next floor above it; if there is no floor above it, the space between such floor and the next ceiling above it. A half story is a story under a sloped roof, the wall heights of which on at least two opposite, exterior walls are less than four feet.
8. Street: A right of way, dedicated to public use, which affords a primary means of access to the abutting property. This definition is intended to be inclusive of the term as defined in Iowa statute.
  - (a) Street, Arterial: A major thoroughfare primarily intended for through traffic that carries the largest volume of traffic with limited access to private property and high degree of connectivity to the regional highway system.
  - (b) Street, Collector: A street that collects traffic from local streets and disperses traffic between larger arterial highways and smaller streets and provides for access to private properties, particularly in commercial corridors or districts.
  - (c) Street, Intersecting and Principal: In regard to a site, the principal street shall be the street to which the majority of lots on a block face are oriented; the intersecting street shall be a street other than a principal street.
  - (d) Street, Local: A street, which is used primarily for access to the abutting properties and distribution of traffic from neighborhoods to collector and arterial streets.
  - (e) Street, Major: Arterial or collector
  - (f) Street, Minor: Local Streets. In some cases “minor” street may be referencing determining a street that carries less traffic or serves a lesser function in the street system when comparing one or more streets (for example when determining lot frontage on double frontage lots)
9. Structure: Any object constructed or built, the use of which requires location on the ground or attachment to something located on the ground.

## 223 T

1. Townhouse: A dwelling unit having a common wall with or abutting one or more adjacent dwelling units in a townhouse structure, with its own front and rear access to the outside, and neither above nor below any other dwelling unit. (also called a townhome or rowhouse)
2. Townhouse Structure: A building formed by at least two and not more than twelve contiguous townhouses with common or abutting walls.

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### 224 U

1. Use: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility.
2. Utilities: Installations, either above or below ground, necessary for the production, generation, transmission, delivery, collection, treatments, or storage of water, solid or fluid wastes, storm water, energy media, gas, electronic or electromagnetic signals, or other services which are precedent to development and use of land.

### 225 V

1. Variance: Permission to depart from the zoning code when, because of special circumstances applicable to the property, strict application of the provisions of this development code deprives such property of privileges enjoyed by other property in the vicinity that is under identical zoning.

### 226 W

1. Wind Energy Conservation System (WECS): any structure or device designed to convert wind into energy for use on site or to be put back into the grid. WECS may include a standalone structure or a structure affixed to a permanent building, sign, light pole or other secure structure.

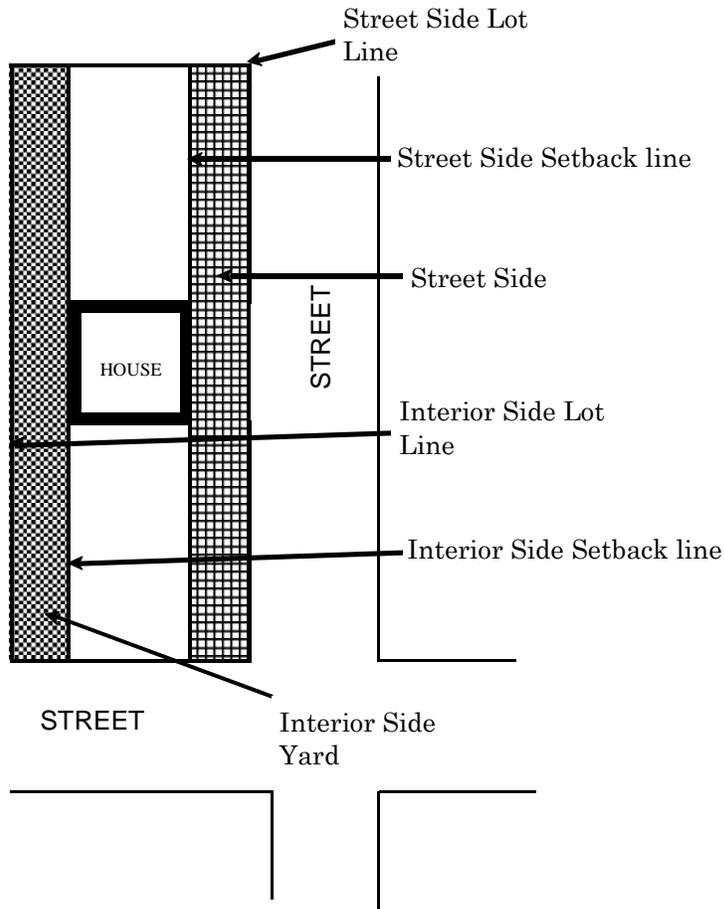
### 227 X

### 228 Y

1. Yard; Required: That portion of a lot that lies between a lot line and the corresponding building setback line or the required landscape area. This area shall be unoccupied and unobstructed from the ground upward except as may be specifically provided for or required by this ordinance.
  - (a) Front Yard: The space extending the full width of a lot, lying between the front lot line and the front setback line. For a corner lot, the front yard shall ordinarily be defined as that yard along a street, which meets one of the following two criteria:
    - 1) the yard along the block face to which a greater number of structures are oriented; or
    - 2) the yard along a street that has the smaller horizontal dimension.

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- (b) Rear Yard: The space extending the full width of a lot, lying between the rear lot line and the rear setback line.
- (c) Side Yard: The space extending the depth of a lot from the front to rear lot lines, lying between the side yard setback line and the interior lot line.
- (d) Street Side Yard: On a corner lot, the space extending from the front yard to the rear yard, between the street side yard setback line and the street side lot line.



## 229 Z

1. Zoning Administrator: The designee of the City Council, responsible for the interpretation and administration of the City of Storm Lake Zoning Ordinance.
2. Zoning District: A designated specified land classification, within which all sites are subject to a unified group of use and site development regulations set forth in this Zoning Ordinance.

## USE TYPES

# 3 ARTICLE THREE – USE TYPES

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### 301 Purpose

Article Three shall be known as the Use Types. The purpose of the Use Types is to establish a classification system for land uses and a consistent set of terms defining uses permitted or conditionally permitted within various zoning districts. The Use Types section also provides a procedure for determining the applicable use type of any activity not clearly within any defined use type.

### 302 Determinations

#### a. Classification of Uses

In the event of any question as to the appropriate use types of any existing or proposed use or activity, the Zoning Administrator of the City of Storm Lake shall have the authority to determine the appropriate use type. A determination of the Zoning Administrator may be appealed to the Board of Adjustment. In making such determinations, the Zoning Administrator and Board of Adjustment shall consider such characteristics or specific requirements of the use in common with those included as examples of use types. Those examples, when included in use type descriptions, are intended to be illustrative, as opposed to exclusive lists.

#### b. Records

The Zoning Administrator shall make all such determinations of appropriate use types in writing. The record of the determination shall contain a report explaining the reasons for the determination.

### 303 Agricultural Use Types

Agricultural use types include the on-site production and sale of plant and animal products by agricultural methods.

#### a. Animal Production

The raising of animals or production of animal products, such as eggs or dairy products on an agricultural or commercial basis on a site which is also used for crop production or where grazing of natural vegetation is the major feed source; or the raising of animals for recreational use. Typical uses include grazing, ranching, dairy farming, and poultry farming.

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b. Crop Production

The raising and harvesting of tree crops, row crops, or field crops on an agricultural or commercial basis.

c. Horticulture

The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.

d. Livestock Sales

Use of a site for the temporary confinement and exchange or sale of livestock. Typical uses include sale barns.

e. Urban Agriculture

Urban agriculture means farming in the city and includes such actions as cultivating, processing, and distributing food within the city. The following specific uses are a part of urban agriculture:

1. Home Garden: A garden managed by one household for the production of produce for that homestead's consumption.
2. Community Garden: A garden managed by a group of individuals to grow/harvest produce for individual or group consumption, or for sale or donation with some stipulation. Generally a community garden is no larger than a traditional single family residential lot.
3. Market or Community Supported Agriculture (CSA) Garden: These are gardens used to grow produce for donation or sale only, on a small scale (generally less than 1 or 2 acres) using traditional gardening methods. Sale can occur on or off site.
4. Urban Farms: These areas are used to grow produce for donation or sale only, on a larger scale (generally 2-5 acres), either outside or within a structure, using more intensive methods such as vertical farming, aquaponics, etc. within a more urban setting (i.e. within the City of Storm Lake corporate limits). Sale can occur on or off site.
5. Urban Animal Husbandry: The keeping of smaller animals (chickens, ducks, turkeys, goats, bees, fish, rabbits, or similar) within developed areas of the city.
  - a) Keeping of animals within city limits requires a license/permit from the City of Storm Lake per Ordinance \_\_\_\_\_.

### 304 Residential Use Types

Residential use types include uses providing wholly or primarily non-transient living accommodations. They exclude institutional living arrangements providing 24-hour skilled nursing

## USE TYPES

or medical care, forced residence, or therapeutic settings.

a. Boarding House for Students

A building other than a motel or hotel where, for compensation and by prearrangement for definite periods of time, a room is used or intended to be used for living or sleeping but not used for cooking or eating purposes.

b. Co-Housing

Use of a site for a housing project developed as a common development and including variety of types of housing and/or common facilities. Housing units are generally developed around shared open spaces and include a homeowners association.

c. Commercial Residential

The use of a portion of a commercial business structure for no more than one residential dwelling unit. The dwelling unit must be located above, alongside or to the rear of the permitted businesses.

d. Downtown Residential

The use of upper levels above street level of a building within the Central Business District of the City of Storm Lake for single- or multiple-family residential uses.

e. Duplex Residential

The use of a legally-described lot for two dwelling units, each occupied by one family within a single building, excluding mobile home units, but including manufactured or modular housing units.

f. Group Residential

The use of a site for a residence by more than three unrelated persons, not defined as a family, on a weekly or longer basis.

g. Manufactured Housing (also modular housing)

Use of a site for one or more manufactured home dwellings, as defined in Section 216(1).

h. Mobile Home Park

Use of a site under single ownership for one or more mobile home units. Generally, the land on which mobile homes are placed in a Mobile Home Park is leased from the owner of the facility.

i. Mobile Home Subdivision

Division of a tract of land into lots that meet all the requirements of the City of Storm Lake's Subdivision Ordinance for the location of mobile homes. Generally, a lot within a Mobile Home Subdivision is owned by the owner of the mobile home placed upon such lot.

## USE TYPES

j. Multiple-Family Residential

The use of a site for three or more dwelling units within one building.

k. Rural Residential

Generally, rural residential uses are defined by larger lot sizes of 10 or more acres, large yards, outbuildings, farm lanes, and agricultural uses that are more of a hobby than a commercial enterprise. Rural residential uses may have private sewer systems or water wells.

l. Single-Family Residential

The use of a site for one dwelling unit, occupied by one family.

1. Single-Family Residential (Detached): A single-family residential use in which one dwelling unit is located on a single lot, with no physical or structural connection to any other dwelling unit.
2. Single-Family Residential (Attached): A single-family residential use in which one dwelling unit is located on a single lot and is attached by a common vertical wall to only one other adjacent dwelling unit on another single lot. This is also known as a Twin Home.

m. Two-Family Residential

The use of a site for two dwelling units, each occupied by one family, each in a separate building. This use type accommodates accessory living units or multi-generational housing.

n. Townhouse Residential

The use of a site for three or more attached dwelling units, each occupied by one family and separated by vertical sidewalls extending from foundation through roof without openings. Each townhouse unit must have at least two exposed exterior walls.

### 305 Civic Use Types

Civic use types include the performance of utility, educational, recreational, cultural, medical, protective, governmental, and other uses, which are strongly vested with social importance.

a. Administration

Governmental offices providing administrative, clerical or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles. Typical uses include federal, state, county, and city offices.

## USE TYPES

b. Campground

Privately or publicly-owned facilities providing camping or parking areas and incidental services for travelers in recreational vehicles or tents, which accommodate each guest or visitor for no more than 7 consecutive days during any one month period.

c. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbarium, crematoria, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

d. Clubs and Community Centers

Uses providing meeting, recreational, or social facilities for a private, non-profit or non-commercial association, primarily for use by members and guests.

e. College and University Facilities (also considered post-secondary education)

An educational institution of higher learning, which offers a course of study, designed to culminate in the issuance of a degree certified by a generally recognized accrediting organization.

f. Convalescent Facilities

A use providing bed care and in-patient services for persons requiring regular medical attention but excluding a facility providing surgical or emergency medical services and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease. Typical uses include nursing homes.

g. Cultural Facilities

A library, museum, or similar registered non-profit organizational use displaying, preserving and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

h. Day Care Facilities (Limited)

Any private agency, institution, establishment, or place, which provides supplemental, supervised care for no more than six (6) individuals without overnight accommodations. This term includes home day care facilities, nursery schools, preschools; day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

i. Day Care Facilities (General)

Any private agency, institution, establishment, or place, which provides supplemental, supervised care for more than six (6) individuals without overnight accommodations. This term includes nursery schools, preschools; day care centers for children or adults, and similar uses but excludes public and private primary and secondary educational facilities.

## USE TYPES

j. Detention Facilities

A publicly operated or contracted use providing housing and care for individuals legally confined, designed to isolate those individuals from the community.

k. Emergency Residential Facilities

A facility or use of a building to provide a protective sanctuary for victims of crime or abuse, including emergency housing during crisis intervention for victims of rape, abuse, or physical beatings.

l. Group Care Facility

A facility licensed or approved by the State of Iowa or other appropriate agency, which provides for the care and short or long-term, continuous multi-day occupancy of more than five unrelated persons who require and receive therapy or counseling on site as part of an organized and therapeutic ongoing program for any of the purposes listed below. Group Care Facilities include facilities which provide for the:

1. Adaptation to living with, or rehabilitation from, the handicaps of physical disability.
2. Adaptation to living with, or rehabilitation from, the handicaps of emotional or mental disorder; or of developmental disabilities.
3. Rehabilitation from the effects of drug or alcohol abuse.
4. Supervision while under a program alternative to imprisonment, including but not limited to pre-release, work release, and probationary programs.

m. Guidance Facilities

A use providing counseling, guidance, recuperative, or similar services to persons requiring rehabilitation assistance as a result of mental illness, alcoholism, detention, drug addiction, or similar condition on a daytime care basis.

n. Health Care

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, administration and services to outpatients, employees, or visitors.

o. Helipads

A designated take-off and landing area for rotary wing aircraft. Helipads considered under the Civic Use Type, must be approved as a conditional use by the Zoning Board of Adjustment and must be accessory to a hospital or emergency medical center.

p. Hospital

A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis, including emergency treatment, diagnostic services,

## USE TYPES

training, administration, and services to patients, employees, or visitors.

q. Maintenance Facilities

A public facility supporting maintenance, repair, vehicular or equipment servicing, material storage, and similar activities including street or sewer yards, equipment service centers, and similar uses having characteristics of commercial services or contracting or industrial activities.

r. Parks and Recreation Facilities

Publicly owned and operated parks, playgrounds, recreation facilities, and open spaces. This category shall include camping facilities owned and operated by the City of Storm Lake and included as part of the city's park system, as provided by the Comprehensive Plan.

s. Postal Facilities

Postal services, including post offices, bulk mail processing or sorting centers operated by the United States Postal Service.

t. Primary Educational Facilities

A public, private, or parochial school offering instruction at the elementary school level in the branches of learning study required to be taught in schools within the State of Iowa.

u. Public Assembly

Facilities owned and operated by a public agency or a charitable non-profit organization accommodating major public assembly for recreation, sports, amusement, or entertainment purposes. Typical uses include civic or community auditoriums, sports stadiums, convention facilities, fairgrounds, incidental sales, and exhibition facilities.

v. Religious Assembly

A use located in a permanent building and providing regular organized religious worship and religious education incidental thereto (excluding private primary or private secondary educational facilities, community recreational facilities, day-care facilities, and incidental parking facilities). A property tax exemption obtained pursuant to Property Tax Code of the State of Iowa shall constitute prima facie evidence of religious assembly use.

w. Safety Services

Facilities for conduct of public safety and emergency services including police and fire protection services and emergency medical and ambulance services.

x. Secondary Educational Facilities

A public, private, or parochial school offering instruction at the junior high or high school level in the branches of learning and study required to be taught in the schools of the State of Iowa.

## USE TYPES

y. Utilities

Any above ground or below ground structures or facilities, other than lines, poles, and other incidental facilities, used for the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, energy media, communications, electronic or electromagnetic signals, or other services which are precedent to development and/or use of land.

### 306 Office Use Types

Office use types include uses providing for administration, professional services, and allied activities. These uses often invite public clientele but are more limited in external effects than commercial uses.

a. Financial Services

Provision of financial and banking services to consumers or clients. Walk-in and drive-in services to consumers are provided on site. Typical uses include banks, savings and loan associations, savings banks, and loan companies. An ATM (Automatic Teller Machine) that is not accompanied on-site by an office of its primary financial institution is considered a "General Retail Services" Use Type.

b. General Offices

Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other business offices; organization and association offices; banks or financial offices; or professional offices.

c. Medical Offices

Use of a site for a facility which provide diagnoses and outpatient care on a routine basis, but which does not provide prolonged, in-house medical or surgical care. Doctors, dentists, operate medical offices or similar practitioners licensed for practice in the State of Iowa.

### 307 Commercial Use Types

Commercial uses include the sale, rental, service, and distribution of goods; and the provision of services other than those classified under other use types.

a. Adult Oriented Businesses

Establishments or places of business engaged in providing entertainment and/or merchandise for adults as defined in Article 614(d).

b. Agricultural Sales and Service Facilities

Establishments or places of business engaged in sale from the premises of feed, grain,

## USE TYPES

fertilizers, farm equipment, pesticides and similar goods or in the provision of agriculturally-related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

### c. Automotive and Equipment Services

Establishments or places of business primarily engaged in sale, rental, leasing, and/or service of automobiles, trucks, or heavy equipment. The following are considered automotive and equipment use types:

1. **Automotive Rental and Sales:** Sale or rental of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles or boats, including incidental storage, maintenance, and servicing. Typical uses include new and used car dealerships, motorcycle dealerships, and boat, trailer, and recreational vehicle dealerships.
2. **Auto Services:** Provision of fuel, lubricants, parts and accessories, and incidental services to motor vehicles; and washing and cleaning and/or repair of automobiles, non-commercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including the sale, installation, and servicing of equipment and parts. Typical uses include service stations, car washes, muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, and similar repair and service activities but exclude dismantling, salvage, or body and fender repair services.
3. **Body Repair:** Repair, painting, or refinishing of the body, fender, or frame of automobiles, trucks, motorcycles, motor homes, recreational vehicles, boats, tractors, construction equipment, agricultural implements, and similar vehicles or equipment. Typical uses include body and fender shops, painting shops, and other similar repair or refinishing garages.
4. **Equipment Rental and Sales:** Sale or rental of trucks, tractors, construction equipment, agricultural implements, mobile homes, and similar heavy equipment, including incidental storage, maintenance, and servicing. Typical uses include truck dealerships, construction equipment dealerships, and mobile home sales establishments.
5. **Equipment Repair Services:** Repair of trucks, tractors, construction equipment, agricultural implements, and similar heavy equipment. Typical uses include truck repair garages; tractor and farm implement repair services, and machine shops, but exclude dismantling, salvage, or body and fender repair services.

### d. Bed and Breakfast

A lodging service that provides overnight or short-term accommodations to guests or visitors, usually including provision of breakfast. Bed and breakfasts are usually located in large residential structures that have been adapted for this use. For the purpose of this definition, bed and breakfasts are always owned and operated by the resident owner of the structure, include no more than ten units, and accommodate each guest or visitor for no more than 7 consecutive days during any one month period.

## USE TYPES

e. Business Support Services

Establishments or places of business primarily engaged in the sale, rental or repair of equipment, supplies and materials or the provision of services used by office, professional and service establishments to the firms themselves but excluding automotive, construction and farm equipment; or engaged in the provision of maintenance or custodial services to businesses. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms, janitorial services, photography studios, and convenience printing and copying.

f. Business or Trade Schools

A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

g. Cocktail Lounge

A use engaged in the preparation and retail sale of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses other than a restaurant as that term is defined in this section.

h. Commercial Recreation

Private businesses or other organizations which may or may not be commercial by structure or by nature, which are primarily engaged in the provision or sponsorship of sports, entertainment, or recreation for participants or spectators. Typical uses include golf courses, driving ranges, theaters, private dance halls, or private skating facilities.

i. Communications Services

Establishments primarily engaged in the provision of broadcasting and other information relay service accomplished through the use of electronic and telephonic mechanisms but excludes those classified as utilities. Typical uses include television studios, telecommunication service centers, telegraph service offices, or film and sound recording facilities. Broadcast towers, and their minor ancillary ground structures are classified as "Miscellaneous Use Types."

j. Construction Sales and Services

Establishments or places of business primarily engaged in the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures and hardware. This use type excludes those uses classified under Automotive and Equipment Services. Typical uses include building materials sales, or tool and equipment rental or sales.

k. Consumer Services

Establishments, which provide services, primarily to individuals and households, but excluding Automotive Use Types. Typical uses include automated banking machines, appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

## USE TYPES

l. Convenience Storage

Storage services primarily for personal effects and household goods within enclosed storage areas having individual access but excluding use of such areas as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing.

m. Food Sales

Establishments or places of business primarily engaged in the retail sale of food or household products for home consumption. Food Sales establishments may include the sale of non-food items. However, the sales of non-food items may account for no more than 33% of the sales area of the Food Sales establishment. Typical uses include groceries, delicatessens, meat markets, retail bakeries, and candy shops.

1. Convenience Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, and by the sales of fuel for motor vehicles.
2. Limited Food Sales: Establishments occupying facilities of less than 10,000 square feet; and characterized by sales of specialty foods or a limited variety of general items, but excluding the accessory sale of fuel for motor vehicles. Typical uses include delicatessens, meat markets, retail bakeries, and candy shops, small grocery stores.
3. General Food Sales: Establishments selling a wide variety of food commodities, using facilities larger than 10,000 square feet. Typical uses include supermarkets.

n. Funeral Services

Establishments engaged in undertaking services such as preparing the human dead for burial, and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

o. Gaming Facilities

Establishments engaged in the lawful, on-site operation of games of chance that involve the risk of money for financial gain by patrons. Gaming facilities shall include the accessory sale of liquor and food, pursuant to licensing regulations of the City of Storm Lake or the State of Iowa.

p. Kennels

Boarding and care services for dogs, cats and similar small mammals or large birds; or any premises on which three or more animals included under this definition over four months of age are kept and maintained. Typical uses include boarding kennels, ostrich raising facilities; pet motels, or dog training centers.

q. Laundry Services

Establishments primarily engaged in the provision of laundering, cleaning or dyeing services

## USE TYPES

other than those classified as Personal Services. Typical uses include bulk laundry and cleaning plants, diaper services, or linen supply services.

r. Liquor Sales

Establishments or places of business engaged in retail sale for off-premise consumption of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sales of liquor, beer or wine for off-site consumption.

s. Lodging

Lodging services involving the provision of room and/or board, but not meeting the classification criteria of Bed and Breakfasts. Typical uses include hotels, apartment hotels, and motels.

t. Personal Improvement Services

Establishments primarily engaged in the provision of informational, instructional, personal improvements and similar services of a non-professional nature. Typical uses include driving schools, health or physical fitness studios, reducing salons, dance studios, handicraft and hobby instruction.

u. Personal Services

Establishments or places of business primarily engaged in the provision of services of a personal nature. Typical uses include beauty and barbershops; seamstress, tailor, or shoe repair shops; photography studios; or dry cleaning stations serving individuals and households.

v. Pet Services

Retail sales, incidental pet health services, and grooming and boarding, when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small animal clinics, dog bathing and clipping salons, and pet grooming shops, but exclude uses for livestock and large animals.

w. Research Services

Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories, space research and development firms, testing laboratories, or pharmaceutical research labs.

x. Restaurants

A use engaged in the preparation and retail sale of food and beverages; including the sale of alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the establishment's gross income.

1. Restaurant (Drive-in or Fast Food): An establishment, which principally supplies food and beverages in disposable containers and is characterized by high automobile accessibility and on-site accommodations, self-service, and short stays by customers.

## USE TYPES

2. Restaurant (General): An establishment characterized by table service to customers and/or accommodation to walk-in clientele, as opposed to Drive-in or Fast Food Restaurants. Typical uses include cafes, coffee shops, and restaurants.

y. Retail Services, General

Sale or rental with incidental service of commonly used goods and merchandise for personal or household use but excludes those classified more specifically by these use type classifications. Typical uses include department stores, apparel stores, furniture stores, or establishments providing the following products or services:

Household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys, and handcrafted items; apparel jewelry, fabrics and like items; cameras, photograph services, household electronic equipment, records, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation).

General Retail Services include:

1. Limited Retail Services: Establishments providing retail services, occupying facilities of 5,000 square feet or less for any single establishment or 10,000 square feet or less for a multi-tenant facility. Typical establishments provide for specialty retailing or retailing oriented to Storm Lake and a local market.
2. Medium Scale Retail Services: Establishments providing retail services, occupying facilities of 20,000 square feet or less for any single establishment or 40,000 square feet or less for a multi-tenant facility. Typical establishments provide for general-purpose retailing oriented to Storm Lake and its immediate vicinity.
3. Large Scale Retail Services: Establishments providing retail services, occupying facilities over 20,000 square feet in a single establishment or 40,000 square feet for a multi-tenant facility. Typical establishments provide for general-purpose retailing oriented to the Storm Lake region.

z. Stables and/or Riding Academies

The buildings, pens and pasture areas used for the boarding and feeding of horses, llamas, or other equine not owned by the occupants of the premises. This use includes instruction in riding, jumping, and showing or the riding of horses/equine for hire.

aa. Surplus Sales

Businesses engaged in the sale of used or new items, involving regular, periodic outdoor display of merchandise for sale. Typical uses include flea markets and factory outlets or discount businesses with outdoor display.

## USE TYPES

bb. Trade Services

Establishments or places of business primarily engaged in the provision of services that are not retail or primarily dedicated to walk-in clientele. These services often involve services to construction or building trades and may involve a small amount of screened, outdoor storage in appropriate zoning districts. Typical uses include shops or operating bases for plumbers, electricians, or HVAC (heating, ventilating, and air conditioning) contractors.

cc. Vehicle Storage (Short-term)

Short-term storage of operating or non-operating vehicles for a period of no more than 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage. Long-term storage beyond 21 days constitutes an Industrial Use Type.

dd. Veterinary Services

Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, pet cemeteries, and veterinary hospitals for livestock and large animals.

### 308 Parking Use Types

a. Off-Street Parking

Parking use types include surface parking of motor vehicles on a temporary basis within a privately or publicly owned off-street parking facility that is the primary use of a site.

b. Parking Structure

The use of a site for a multi-level building which provides for the parking of motor vehicles on a temporary basis, other than as an accessory to a principal use on the same site.

### 309 Industrial Use Types

Industrial use types include the on-site extraction or production of goods by non-agricultural methods, and the storage and distribution of products.

a. Construction Yards

Establishments housing facilities of businesses primarily engaged in construction activities, including incidental storage of materials and equipment on lots other than construction sites. Typical uses are building contractor's yards.

b. Custom Manufacturing

Establishments primarily engaged in the on-site production of goods by hand manufacturing, within enclosed structures, involving:

## USE TYPES

1. The use of hand tools, or
2. The use of domestic mechanical equipment not exceeding 2 horsepower, or
3. A single kiln not exceeding 8 KW or equivalent.

This category also includes the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making shops.

c. Light Industry

Establishments engaged in the manufacturing or processing of finished products from previously prepared materials, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution. These establishments are characterized by having no major external environmental effects across property lines and include no unscreened or un-enclosed outdoor storage. Typical uses include commercial bakeries, dressed beef processing plants, soft drink bottling, and apparel assembly from fabrics, electronics, and manufacturing, print shops and publishing houses.

d. General Industry

Enterprises engaged in the processing, manufacturing, compounding, assembling, packaging, treatment or fabrication of materials and products from prepared materials or from raw materials without noticeable noise, odor, vibration, or air pollution effects across property lines.

e. Heavy Industry

Enterprises involved in the basic processing and manufacturing of products, predominately from raw materials, with noticeable noise, odor, vibration, or air pollution effects across property lines; or a use or process engaged in the storage of or processes involving potentially or actually hazardous, explosive, flammable, radioactive, or other commonly recognized hazardous materials.

f. Recycling Collection

Any site which is used in whole or part for the receiving or collection of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

g. Recycling Processing

Any site which is used for the processing of any post-consumer, non-durable goods including, but not limited to glass, plastic, paper, cardboard, aluminum, tin, or other recyclable commodities.

h. Resource Extraction

A use involving on-site extraction of surface or subsurface mineral products or natural

## USE TYPES

resources, excluding the grading and removal of dirt. Typical uses are quarries; borrow pits, sand and gravel operations, and mining.

i. Salvage Services

Places of business primarily engaged in the storage, sale, dismantling or other processing of used or waste materials, which are not intended for reuse in their original forms. Typical uses include automotive wrecking yards, junkyards, or paper salvage yards.

j. Vehicle Storage (Long-term)

Long-term storage of operating or non-operating vehicles for a period exceeding 21 days. Typical uses include storage of private parking tow-aways or impound yards but exclude dismantling or salvage. Long-term storage of 21 days or less constitutes a Commercial Use Type.

k. Warehousing

Uses including open air storage, distribution, and handling of goods and materials. Typical uses include monument yards, grain elevators, open storage.

### 310 Transportation Use Types

Transportation use types include the use of land for the purpose of providing facilities supporting the movement of passengers and freight from one point to another.

a. Aviation Facilities

Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, and including activities directly associated with the operation and maintenance of airport facilities or helipads and the provision of safety and security.

b. Railroad Facilities

Railroad yards, equipment servicing facilities, and terminal facilities.

c. Transportation Terminal

Facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express, including bus terminals, railroad stations, public transit facilities.

d. Truck Terminal

A facility for the receipt, transfer, short term storage, and dispatching of goods transported by truck.

## USE TYPES

### 311 Miscellaneous Type Uses

a. Alternative Energy Production Devices

The use of a site for the production of energy utilizing methods that do not involve the oxidation, combustion, or fission of primary materials. Typical uses include solar collector fields, geothermal energy installations, or water-powered mills or generating facilities.

b. Amateur Radio Tower

A structure(s) for the transmission or broadcasting of electromagnetic signals by FCC-licensed Amateur Radio operators.

c. Broadcasting or Cellular Tower

A structure(s) for the transmission or broadcasting of radio, television, radar, microwaves, or telecommunication signals ordinarily exceeding the maximum height permitted in its zoning district.

d. Construction Batch Plant

A temporary demountable facility used for the manufacturing of cement, concrete, asphalt, or other paving materials intended for specific construction projects.

e. Landfill (Non-Putrescible Solid Waste Disposal)

The use of a site as a depository for solid wastes that do not readily undergo chemical or biological breakdown under conditions normally associated with land disposal operations. Typical disposal material would include ashes, concrete, paving wastes, rock, brick, lumber, roofing materials and ceramic tile.

f. Landfill (Putrescible and Non-putrescible Solid Waste Disposal)

The use of a site as a depository for any solid waste except hazardous and toxic waste as defined by the Federal Environmental Protection Agency and/or the State of Iowa. Typical disposal material would include non-putrescible wastes; and putrescible wastes such as vegetation, tree parts, agricultural wastes (garbage) and manure.

g. Wind Energy Conservation System (WECS)

Any device, which converts, wind energy to a form of usable energy, including wind charges, windmills, or wind turbines.

# 4 ARTICLE FOUR – BASE ZONING DISTRICT REGULATIONS

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## 401 Purpose

Article Four presents the Base Zoning District Regulations. Base Zoning Districts are established in the Zoning Ordinance to promote compatible land use patterns and to establish site development regulations appropriate to the purposes and specific nature of each district.

## 402 Establishment and Purpose of Districts

The following base districts are hereby established. Table 4-1 displays the purposes of these districts.

**Table 4-1 Zoning District Purpose Statements**

Symbol	Title	Purpose
<b>RES</b>	Reserve	The RES District serves as a holding zone. It provides for the continued agricultural and rural use of land areas that have been annexed into the City of Storm Lake but have not yet been planned for development serviced by municipal utilities. The district is intended to accommodate existing agricultural uses on an interim basis and rural residential development on a limited basis in a manner which facilitates the future extension of municipal services. The district reserves the land for future development.
<b>R-1</b>	Low Density Residential (4 or less du/acre net)	This district is intended to provide for low-density residential neighborhoods, characterized by single-family dwellings on larger lots with supporting community facilities and urban services. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure. Net densities will not exceed four units per acre.

## ZONING DISTRICT REGULATIONS

Symbol	Title	Purpose
<b>R-2</b>	Low Medium Density Residential (4-8 du/ac net)	This district is intended to provide for low to medium-density residential neighborhoods, characterized predominantly by single-family dwellings on moderately sized lots with supporting community facilities and urban services. The district also permits duplexes, two-family units, and townhouses subject to appropriate standards and applies to much of the established part of Storm Lake. It provides special regulations to encourage innovative forms of housing development. It adapts to both established and developing neighborhoods, as well as transitional areas between single-family and multi-family neighborhoods. Its regulations are intended to minimize traffic congestion and to assure that density is consistent with the carrying capacity of infrastructure. Net densities will not exceed eight units per acre.
<b>R-3</b>	Medium Density Residential (8 -12 du/ac net)	This district is intended to provide locations primarily for medium density housing, with supporting and appropriate community facilities. The predominant housing pattern would consist of small lot single family and attached townhome/rowhouse units. It also permits some non-residential uses such as offices as conditional uses, to permit the development of mixed-use neighborhoods. Net densities will not exceed twelve units per acre.
<b>R-4</b>	High Density Residential (greater than 12 du/ac net)	This district is intended to provide locations primarily for multiple-family housing, with supporting and appropriate community facilities. The predominant housing pattern in the R-4 district is stacked (3-4 story) apartment or condominium type housing. The district would also include limited townhome or rowhouse housing types. It also permits some non-residential uses such as offices as conditional uses, to permit the development of mixed-use neighborhoods. Maximum densities will be based on the sites ability to adequately serve the development with municipal infrastructure, fire and safety needs, and traffic capacity.
<b>IN-1</b>	Public Services	This district is intended to accommodate uses which are available to or are necessary to serve the general public. These uses are typically located throughout the community rather than within a specific geographic area. The intent of this district is to allow a centralized location where such uses are consolidated for efficiency purposes.
<b>IN-2</b>	Institutional Facilities	This district reserves areas for educational and religious purposes, particularly in campus settings. The district is designed to minimize impacts on adjacent land uses while allowing these important civic institutions to be located throughout the community.

## ZONING DISTRICT REGULATIONS

<b>Symbol</b>	<b>Title</b>	<b>Purpose</b>
<b>IN-3</b>	Hospital Medical Facilities	This district accommodates commercial and professional uses associated with the community's role as a regional medical center including the hospital, laboratories, clinics, nursing homes, physical fitness/rehab centers, and medical offices. Its regulations are intended to minimize traffic congestion and buffer adjacent uses, particularly residential, from negative impacts.
<b>PO</b>	Park, Recreation and Open Space	This district accommodates uses that are active or passive recreation or open space uses of a public nature. Key characteristics include a public or not-for profit ownership and public access.
<b>LC</b>	Limited Commercial	This district reserves appropriately located area for office development and a limited variety of low-impact commercial facilities, which serve the needs of residents of surrounding residential communities. The commercial and office uses permitted are more compatible with nearby residential areas. Development regulations are designed to ensure compatibility in size, scale, and landscaping with nearby residential uses.
<b>CC</b>	Community Commercial	This district is intended for commercial facilities (including retail and office buildings), which serve the needs of markets ranging from several neighborhoods to the overall region. Traffic and operating characteristics may have more negative effects on residential neighborhoods than those permitted in the LC District. CC Districts are appropriate along major arterials, major intersections, or at substantial commercial centers.
<b>CBD</b>	Central Business District	This district is intended to provide appropriate development regulations for Downtown Storm Lake. Mixed uses (retail, office, residential) are encouraged within the CBD District. The grouping of uses is designed to strengthen the Downtown's role as a center for trade, service, and civic life.
<b>LI</b>	Limited Industrial	This district is intended to reserve sites appropriate for the location of industrial and office uses with relatively limited environmental effects. The district is designed to provide appropriate space and regulations to encourage good quality industrial development, while assuring that facilities are served with adequate parking and loading facilities.
<b>GI</b>	General Industrial	This district is intended to accommodate a wide variety of industrial uses, some of which may have significant external effects. These uses may have operating characteristics that create conflicts with lower-intensity surrounding land uses. The district provides the reservation of land for these activities and includes buffering requirements to reduce incompatibility.

**\*\*See Article 5 for Special Overlay Districts**

## ZONING DISTRICT REGULATIONS

### 403 Application of Districts

A base district designation shall apply to each lot or site within the city and its planning jurisdiction. Each site must be in one base district.

The Overlay districts are established in Article 5 and may be applied to any lot or site or any portion thereof, in addition to a base district designation.

### 404 Hierarchy

References in the Zoning Ordinance to less intensive or more intensive districts shall be deemed to refer to those residential, commercial, institutional and industrial base zoning districts established in Section 402 (Table 4-1), and shall represent a progression from the RES Reserve District as the least intensive to the GI General Industrial District as the most intensive.

### 405 Development Regulations

For each Zoning District: Purposes are set forth in Table 4-1; Uses permitted are set forth in Table 4-2; Development Regulations are set forth in Tables 4-3a and 4-3b.

Supplemental Regulations may affect specific land uses or development regulations in each zoning district. References and links to applicable Supplemental Regulations are noted in Table 4-2 and can be found in Article 6. Other code references will also be noted in Table 4-2.

### 406 Zoning Map

#### a. Adoption of Zoning Map

Boundaries of zoning districts established by this Zoning Ordinance shall be shown on the Zoning Map. This map, together with all legends, references, symbols, boundaries, and other information, shall be adopted as a part of, and concurrent with this Ordinance. Said Zoning Map shall be prominently displayed in the council chambers and/or an area accessible to the public at Storm Lake City Hall and available on-line at the City of Storm Lake official web site. The official zoning map shall be maintained by the City Planner or designee of the City Manager.

#### b. Changes to the Zoning Map

The Zoning Map may be changed from time to time by ordinance, following the procedure set forth by Article 12. Such changes shall be reflected on the Zoning Map. The City Planner or designee of City Manager shall keep a complete record of all changes to the Zoning Map.

## ZONING DISTRICT REGULATIONS

### 407 Interpretation of District Boundaries

The following rules shall apply in determining the boundaries of any zoning district shown on the Zoning Map.

- a. Where district boundaries are indicated as approximately following lot lines, such lot lines shall be considered the district boundaries.
- b. Where district boundaries are indicated as within street or alley, railroad, or other identifiable rights-of-way, the centerline of such rights-of-way shall be deemed the district boundary.
- c. Where a district boundary divides a property, the location of the boundary shall be determined by the use of the scale appearing on the Zoning Map, or shall be defined through the subdivision or platting process at the time application is made. Boundaries indicated as approximately following section lines, quarter section lines, or quarter quarter section lines shall be construed as following such lines;
- d. Boundaries indicated as approximately following City Limits shall be construed as following such City Limits;
- e. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line;
- f. Boundaries indicated as following center lines of streams, rivers, canals, lakes or other bodies of water shall be construed as following such center lines;
- g. The Board of Adjustment shall determine any other uncertainty regarding district boundaries not covered in this section.

### 408 Vacation of Streets and Alleys

Whenever a public street or alley is vacated, the zoning district adjoining each side of such right-of-way shall be extended out to the former centerline.

ZONING DISTRICT REGULATIONS

Table 4-2 Permitted and Conditional Uses by Zoning Districts

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
<b><u>Agricultural Uses</u></b>															
Animal Production	P														602b
Crop Production	P														602a
Horticulture	P												C	C	602a
Livestock Sales													C	P	
Home Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	602
Community Garden	P	C	C	C	C	C	C	C	C	C	C	C	C	C	602
Market or Community Supported Agriculture	P	C	C	C	C	C	C	C	C	C	C	C	C	C	602
Urban Farm	P	C	C	C	C	C	C	C	C	C	C	C	C	C	602
Urban Animal Husbandry	P	P	P	P	P	P	P	P	P	P	P	P			602b
<b><u>Residential Uses</u></b>															
Boarding House for Students			C	C	C		P								
Co-Housing	C			C	P		P								603b
Commercial Residential										P	P	P			603e

ZONING DISTRICT REGULATIONS

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
Downtown Residential												P			603d
Duplex (or Two Family Residential)			P	P	P	P	P	P							
Group Residential				P	P	P	P	P		C		P			603d
Manufactured Housing	P	P	P	P	P	P	P	P		C					216(1) 603f
Mobile Home Park				C	C										603g
Mobile Home Subdivision				C	C										603h
Multiple-Family			P	P	P	P	P	P		C	C	P			
Rural Residential	P														
Single-Family Attached		C	P	P	P	P	P	P							
Single-Family Detached	P	P	P	P		P	P	P				C			603a
Townhouse			P	P	P	P	P	P		C	C	P			603c
<b>Civic Uses</b>															
Administration	C			C	C	P	P	P		P	P	P	P	P	
Campground	P								P						604a
Cemetery	P					P			P						
Clubs/Community Centers	C	C	C	C	C	P	P	P		P	P	P			604b

ZONING DISTRICT REGULATIONS

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
College/University		C	C	C	C		P			P	P	P			
Convalescent Facilities		C	C	C	C			P		P	C				
Cultural Facilities	C	C	C	C	C	P	P			P	P	P			
Day Care (Limited)	P	P	P	P	P	P	P	P		P	P	P	C		604c
Day Care (General)	C	C	P	P	P	P	P	P		P	P	P	C		604c
Detention Facility						P							C	C	
Emergency Residential	P	P	P	P	P	P		P		P	P	P			
Group Care Facility	C	C	C	C	P	P	P	P		P	P	P			604d
Guidance Facilities						P		P		P	P	P	P	P	
Health Care					C			P		P	P	P	P	P	
Helipads			C	C	C			C		C	C	C			604e
Hospitals			C	C	C			P		P	P	P			
Maintenance Facilities	P					P	C	C	C			P	P	P	
Parks/ Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Postal Facilities						P				P	P	P	P		
Primary Education		C	C	C	C		P					P			

ZONING DISTRICT REGULATIONS

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
Public Assembly						P	P	P	P	C	P	P			
Religious Assembly		C	C	C	C	P	P	P	P	C	C	P			
Safety Services	P	C	C	P	P	P		P		P	P	P	P	P	
Secondary Education		C	C	C	C		P				P	P			
Utilities	P	C	C	C	C	P				C	P	P	P	P	
<b><u>Office Uses</u></b>															
Financial Services					C					P	P	P	P	P	
General Offices				C	C	P	P	P		P	P	P	P	P	
Medical Offices					C			P		P	P	P	P	C	
<b><u>Commercial Uses</u></b>															
Adult Oriented Businesses														P	614
Ag Sales/Service	C										P		P	P	
Auto Rental/Sales											P	C	P		605c
Auto Services										C	P	P	P	P	605a,b
Body Repair											C		P	P	605a
Equipment Rental/Sales											P	C	P	P	605c
Equipment Repair											C		P	P	605a
Bed and Breakfast	C	C	C	C	C	P	P	P		P	P	P			605d
Business Support										P	P	P	P	P	

ZONING DISTRICT REGULATIONS

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
Business/Trade School							P				P	P	P		
Cocktail Lounge											P	P	C		
Commercial Recreation	C									C	P	P	P		
Communications Services										P	P	P	P	P	
Construction Sale/Service											P	C	P	P	
Consumer Service										P	P	P	P		
Convenience Storage	C										C		P	P	605e
Food Sales (Convenience)										P	P	C	C		
Food Sales (Limited)										P	P	P			
Food Sales (General)										C	P	P			
Funeral Services						P		P		P	P	P			
Gaming Facility											C	C	P	P	
Kennels	P												P		
Laundry Services							C				P	P	P	P	
Liquor Sales							C				P	P			
Lodging										C	P	P			

ZONING DISTRICT REGULATIONS

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
Personal Improvement					C					P	P	P	P	P	
Personal Services					C					P	P	P	P	P	
Pet Services	C									P	P	P	P	C	
Research Services							P			C	P	P	P	P	
Restaurants (Drive-in or Fast Food)											P		P	C	605g
Restaurants (General)										P	P	P	P	C	605g
Retail (Limited)					C					P	P	P			
Retail (Medium)										C	P	P			
Retail (Large)											P	P			
Stables	P														
Surplus Sales											C		P	P	
Trade Services											C	C	P	P	
Vehicle Storage (Short-term)											C		P	P	
Veterinary Services	C									C	P	P	P	P	
<b><u>Parking Uses</u></b>															
Off-Street Parking						P	P	P	P	C	P	P	P	P	
Parking Structure						P	P	P			C	P	P	P	

ZONING DISTRICT REGULATIONS

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
<b><u>Industrial Uses</u></b>															
Construction Yards													P	P	
Custom Manufacturing											P	P	P	P	
Helipads													C	C	606a
Industry Light													P	P	
Industry General													C	P	
Industry Heavy														C	
Recycling Collection											C		P	P	
Recycling Processing													P	P	
Resource Extraction	C													C	606b
Vehicle Storage (Long-term)													C	P	
Warehousing													P	P	
<b><u>Transportation Uses</u></b>															
Aviation Facilities						P								P	
Railroad Facilities												P	P	P	
Transportation Terminal											P	P	P	P	
Truck Terminal													P	P	

ZONING DISTRICT REGULATIONS

USES	RES	R-1	R-2	R-3	R-4	IN-1	IN-2	IN-3	PO	LC	CC	CBD	LI	GI	Additional Regulations
<b>Miscellaneous Uses</b>															
Alternative Energy Production Devices	P	C	C	C	C	C	C	C	C	C	C	C	C	P	
Amateur Radio Tower	P	P	P	P	P	P	P	P		P	P	P	P	P	703b
Broadcasting Tower	C										C	C	P	P	703c
Construction Batch Plant	C												C	P	613b
Wind Energy Conservation System	P	C	C	C	C	C	C	C	C	C	C	C	C	P	703d

P=Uses Permitted by Right

C=Conditional Uses Permitted by Board of Adjustment Review and Approval

Blank=Use Not Permitted

## ZONING DISTRICT REGULATIONS

**Table 4-3a Summary of Residential Site Development Regulations**

Regulation	RES	R-1	R-2	R-3	R-4
Minimum Lot Area (square feet) (Note 1)	5 Acres or 9,600 with subdivision approval and adequate provisions of centralized private sewer facilities	9,600	7,200 (1-fam) 8,400 (other)	4,500 (1-fam) 8,400 (other)	(Note 5)
Minimum Lot Width (feet)	240 or 80 with subdivision approval	80	60 (1-fam) 70 (other)	45 (1-fam) 70 (other)	50 (Note 4)
Site Area per Housing Unit (square feet)	5 Acres or 9,600 with subdivision approval and adequate provisions of centralized private sewer facilities	9,600	7,200 (1-fam) 4,200 (duplex) 3,000 (Other resid.)	4,500 (1-fam) 4,200 (duplex) 3,000 (Other resid.)	(Note 5)
Minimum Yards (feet)					
Front Yard (Note 8)	25	25	25	25	25
Street Side Yard (Note 8)	35	25	25	25	15
Interior Side Yard	10	10 (Note 2)	7 (Note 2,6)	7 (Note 2,6)	10 (Note 2,6)
Rear Yard	25	25	25	25	20
Maximum Height (feet)	45 (Note 7)	45	65	65	65
Maximum Building Coverage	30%	30%	40%	50%	50%
Maximum Impervious Coverage	35%	35%	45%	55%	60%

- Notes Accompanying This Table Appear at the end of this Article.

ZONING DISTRICT REGULATIONS

**Table 4-3b Summary of Non-Residential Site Development Regulations**

Regulation	IN-1	IN-2	IN-3	LC*	CC*	CBD	LI*	GI*
Minimum Lot Area (square feet)	12,000	12,000	12,000	5,000	5,000	None	10,000	15,000
Minimum Lot Width (feet)	100	100	100	50	50	50	50	90
Site Area per Housing Unit (square feet)	(Note 3)	(Note 3)	(Note 3)	(Note 3)	(Note 5)	500	NA	NA
Minimum Yards (feet)								
Front Yard	20	20	20	20	40	0	40 (Note 8)	40 (Note 8)
Street Side Yard	20	20	20	20	10	0	25 (Note 8)	25 (Note 8)
Interior Side Yard	20	20	20	10	10	0	15	15
Rear Yard	20	20	20	20	10	0	15	15
Maximum Height (feet)	65	65	65	45	65	45	75	75
Maximum Building Coverage	50%	50%	50%	50%	60%	100%	70%	70%
Maximum Impervious Coverage	70%	70%	70%	70%	80%	100%	80%	90%

\* Uses in the LC, CC, LI, and GI Districts are subject to landscape and screening provisions contained in Article 8

- Notes Accompanying This Table Appear at the end of this Article.

## ZONING DISTRICT REGULATIONS

### Notes to Preceding Pages: Table 4-3a and 4-3b

Note 1:

The Comprehensive Plan encourages alternative development patterns that allow for conservation development and rural estate type housing patterns. Residential development in the RES district is encouraged to be designed in a manner to facilitate future extension of urban services. Lot sizes smaller than five acres can be done through the platting process only.

Note 2:

See Section 603 for supplemental regulations governing townhouse residential use types.

Note 3:

7,200 square feet for single-family lots; 4,200 square feet per unit for duplex or two-family residential; 3,000 per unit for townhouse residential buildings subject to districts in which applicable lots are permitted uses.

Note 4:

See Section 603 for supplemental regulations regarding modifications of lot width for townhouse residential use type.

Note 5:

7,200 square feet for single-family lots; 4,200 square feet per unit for duplex or two-family residential; 3,000 per unit for townhouse residential buildings. For multi-family development, 6,000 square feet for the first unit, 1,200 square feet for each additional unit up to 12 units and 750 square feet for each additional unit over 12 units. Density of multi-family residential may exceed this maximum, subject to approval of a Conditional Use Permit by the Board of Adjustment. Minimum lot area for all other uses is 9,600 square feet.

Note 6:

15 feet minimum for multi-family uses over 12 units.

Note 7:

Height limit for non-agricultural structures

Note 8:

On arterial streets designated as part of the Storm Lake's Surface Transportation Plan System, front yard setbacks shall be the greater of 40 feet from the property line of such arterial streets or 100 feet from the centerline of the arterial street.

## SPECIAL AND OVERLAY DISTRICTS

# 5 ARTICLE FIVE – SPECIAL AND OVERLAY DISTRICTS

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### 501 General Purpose

Special Districts provide for base districts that allow multiple land uses and flexible development, with the requirement that in some cases applicants submit a specific guiding plan for the area. Overlay Districts are used in combination with base districts to modify or expand base district regulations. Overlay Districts are adapted to special needs of different parts of the City of Storm Lake.

Special and Overlay Districts are designed to achieve the following objectives:

- a. To recognize special conditions in specific parts of the City, which require specific regulations.
- b. To provide flexibility in development and to encourage innovative design through comprehensively planned projects.
- c. To implement the vision, guiding principles, and policies as established in the currently effective Comprehensive Plan for the City of Storm Lake.

### MU MIXED USE DISTRICT

### 502 MU District Purpose

The MU Mixed Use District is intended to accommodate projects which combine several compatible land uses into an integrated development. The MU District may also be used to pre-designate parts of the city which are appropriate for a mixture of residential, commercial, office, and accessory uses. The District permits mixing residential areas with workplaces and services. Development in the MU District must accommodate transportation systems, pedestrian and bicycle movement, and surrounding environments. All projects developed in a MU District are subject to a Conditional Use Permit process.

### 503 MU District Permitted Uses

Each ordinance establishing a MU District establishes the use types permitted within its boundaries.

## SPECIAL AND OVERLAY DISTRICTS

### 504 MU District Site Development Regulations

- a. The minimum area of any MU District is 2.75 acres.
- b. Prior to the issuance of any building permits or other authorization, all projects in the MU District shall receive approval by the City Council, following a recommendation by the Planning and Zoning Commission. This approval may be granted for a specific plan for the development of a MU District in lieu of a plan for individual projects, provided that any subsequent developments are consistent with the specific plan.
- c. Applications for approval must contain at a minimum the following information:
  1. A detailed site map, including:
    - (a) a boundary survey
    - (b) site dimensions
    - (c) contour lines at no greater than two foot intervals
    - (d) adjacent public rights of way, transportation routes, and pedestrian or bicycle systems
    - (e) description of adjacent land uses
    - (f) utility service to the site and easements through the site
    - (g) description of other site features, including drainage, soils, environmental issues, or other considerations that may affect development
  2. A development plan, including:
    - (a) a site layout, including the location of proposed buildings, parking, open space, and other facilities
    - (b) location, capacity, and conceptual design of parking facilities
    - (c) description of the use of individual buildings
    - (d) description of all use types to be included in the project or area, and maximum floor area devoted to each general use
    - (e) maximum height of buildings
    - (f) schematic location and design of open space on the site, including a landscaping plan
    - (g) vehicular and pedestrian circulation plan, including relationship to external transportation systems
    - (h) schematic building elevations and sections if required to describe the project
    - (i) grading plans
    - (j) proposed sewer and utility improvements
    - (k) location, sizes, and types of all proposed signage
  3. Specific proposed development regulations for the project, including:
    - (a) the specific use types permitted within the proposed district
    - (b) maximum floor area ratios
    - (c) front, side, and rear yard setbacks
    - (d) maximum height
    - (e) maximum building and impervious coverage
    - (f) design standards applicable to the project
  4. A traffic impact analysis, if required by the City
  5. A storm sewer and runoff control plan for the project

## **SPECIAL AND OVERLAY DISTRICTS**

### **505 MU District Amendments**

The Zoning Administrator is authorized at his/her discretion to approve amendments to an approved development plan, provided that:

- a. A written request is filed with the Zoning Administrator, along with information specifying the exact nature of the proposed amendment.
- b. The amendment is consistent with the provisions of this section.
- c. The amendment does not alter the approved site regulations of the development plan and does not materially alter other aspects of the plan, including traffic circulation, mixture of use types, and physical design.
- d. Any amendment not conforming to these provisions shall be submitted to the Planning and Zoning Commission and City Council for action.

### **506-9 Reserved**

## **PUD PLANNED UNIT DEVELOPMENT DISTRICT**

### **510 PUD District Purpose**

The PUD Planned Unit Development Overlay District is intended to provide flexibility in the design of planned projects; to permit innovation in project design that incorporates open space and other amenities; and to insure compatibility of developments with the surrounding urban environment. The PUD District may be used in combination with any base district specified in this Ordinance. The PUD District, which is adopted by the City Council with the recommendation of the Planning and Zoning Commission, assures specific development standards for each designated project.

### **511 PUD District Permitted Uses**

Uses permitted in a PUD Overlay District are those permitted in the underlying base district. A PUD also may be combined with a MU Mixed Use District to allow a combination of use types not anticipated by conventional base districts.

### **512 PUD District Site Development Regulations**

Site Development Regulations are developed individually for each Planned Unit Development

## SPECIAL AND OVERLAY DISTRICTS

District but must comply with minimum or maximum standards established for the base district, with the following exceptions:

- a. The minimum site area for application of a PUD overlay district shall be 2.75 acres.
- b. Lot area and lot width are not restricted, provided that the maximum density allowed for each base district is not exceeded. Maximum density shall be determined by preparing a yield plan. A yield plan shall consist of a feasible development concept that applies the base regulations of the applicable base zoning district.
- c. Residential use types may be combined within a PUD district provided that the development as a whole complies with the maximum density permitted under the base zoning district.
- d. Density Bonuses shall be considered through the PUD process for projects that achieve desirable community goals and policies established in the Comprehensive Plan. Bonuses shall be awarded based on the total number of units allowed as demonstrated in the yield plan rounded down to a whole number. (i.e. A yield plan that results in a total of 20 to 29 units with a density bonus of 10% would yield two additional bonus units.) Bonuses shall be awarded as follows:
  1. A 20% bonus for the preservation of contiguous open space. The open space preserved must be equal to or greater than 20% of the net developable project area. Open space areas shall include natural features, drainage corridors and buffers, woodlands, trail corridors, or other lands acceptable to the City. Open space shall NOT include remnant open space areas that are left over from irregular sized development parcels, required park dedication or undevelopable land areas such as floodways or wetlands. Allowable open space uses include:
    - (a) Open fields (not used for commercial crop production)
    - (b) Nature preserves/habitat
    - (c) Park
    - (d) Community Gardens
    - (e) Buffers to wetlands or drainage corridors
    - (f) Public service needs (well field, emergency management systems, etc...)
  2. A 10% bonus for preservation and interpretation of important historical/cultural resources. To achieve the bonus, applicants must integrate historical/cultural interpretive elements into development projects. This may be done through development signage or monuments, preservation of historic structures, public art, interpretive plaques or other approved method.
  3. A 20% bonus for integration of alternative stormwater management practices that incorporate educational interpretation, rainwater reuse/recycling rainwater treatment and groundwater recharge.
  4. A 10% bonus for incorporation of alternative energy systems that are applied across the entire development project including such strategies as solar power, wind power, closed loop system geothermal, or other system as approved by the City.

## **SPECIAL AND OVERLAY DISTRICTS**

5. A 20% bonus for incorporation of mixed income housing development. A development project that includes a ratio of between 1 housing unit of affordable housing (affordable to residents whose household income is at or below 80% of the Buena Vista County Household Median Income) for every 5 to 7 units of market rate housing.

A long term maintenance plan that establishes a sustainable program for care and funding of the additional site feature as defined in 512(d)(2) shall be included in the PUD developer's agreement and shall be agreed to by the applicant and the City. Ownership and or preservation of land areas through application of density bonuses shall be agreed to within the PUD developer's agreement.

- e. Maximum building coverage shall be the smaller of the allowed building coverage in the base district, or 60 percent.
- f. A maximum cumulative density bonus for any development proposal or project shall not exceed 30%.

### **513 PUD District Access to Public Streets**

Each PUD District must abut a public street for at least 50 feet and gain access from that street.

### **514 PUD District Application Process**

- a. Development Agreement

The application for a Planned Unit Development District shall include a Development Agreement containing the following information:

1. A tract map, showing site boundaries, street lines, lot lines, easements, and proposed dedications or vacations.
2. A land use plan designating specific uses for the site and establishing site development regulations, including setback height, building coverage, impervious coverage, density, and floor area ratio requirements.
3. A site development and landscaping plan, showing building locations, or building envelopes; site improvements; public or common open spaces; community facilities; significant visual features; and typical landscape plans.
4. A circulation plan, including location of existing and proposed vehicular and pedestrian, facilities and location and general design of parking and loading facilities.
5. Schematic architectural plans and elevations sufficient to indicate a building height, bulk, materials, and general architectural design.

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6. A statistical summary of the project, including gross site area, net site area, number of housing units by type, gross floor area of other uses, total amount of parking, and building and impervious surface percentages.
7. A storm sewer and runoff control plan for the project.
8. A site civil engineering plan showing adequate provisions for municipal sanitary sewer connections and municipal potable water system connections.
9. A utility plan showing all other private utility locations including such items as gas, electric, cable and phone.
10. A phasing plan establishing a logical sequence of development activities and associated timeline.
11. A written report that establishes:
  - (a) Purpose of the PUD and consistency with the current Comprehensive Plan;
  - (b) development regulations that differ from standard regulations including lot sizes, lot dimensions, setbacks, site coverage, bulk standards, parking, and other site development regulations;
  - (c) developer covenants that establish management and maintenance commitments to common and open space areas, development of homeowners associations, commitments to infrastructure improvement completion;
  - (d) provision of density bonuses and adherence to density bonus criteria

Collectively, the information outlined in items 1 through 10 shall constitute the Development Agreement. This agreement shall be drafted in a form suitable to the City Attorney and shall be adopted by ordinance and used to implement individual development applications. The zoning administrator may waive requirements for information or may request additional information if deemed appropriate and necessary in order to fully evaluate the proposed projects' suitability and impacts. This agreement would be fully executed by the developer and the city and recorded with the Buena Vista County Recorder and the City Clerk.

### **515 PUD District Adoption of District**

- a. The Planning and Zoning Commission and City Council shall review and evaluate each Planned Unit Development application. The City may impose reasonable conditions, as deemed necessary to ensure that a PUD shall be compatible with adjacent land uses, will not overburden public services and facilities and will not be detrimental to public health, safety and welfare.
- b. The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning and Zoning Commission may recommend amendments to PUD district applications.

## **SPECIAL AND OVERLAY DISTRICTS**

- d. The recommendation with appropriate findings of the Planning and Zoning Commission shall be transmitted to the City Council for final action.
- e. An Ordinance adopting a Planned Unit Development Overlay Zoning District shall require a favorable simple majority of the City Council for approval.
- f. Upon approval by the City Council, the Development Plan shall become a part of the Ordinance creating or amending the PUD District. All approved plans shall be filed with the City Clerk and recorded at the Buena Vista County Recorder's office.

### **516 PUD District Amendment Procedure**

Major amendments to the Development Plan must be approved according to the same procedure set forth in Section 515.

### **517 Termination of PUD District**

If no substantial development has taken place in a Planned Unit Development District for three years following approval of the District, the Planning and Zoning Commission shall reconsider the zoning of the property and may, on its own motion, initiate an application for rezoning the property reverting it back to the zoning designation that existed prior to the PUD District Application.

### **518-9 Reserved**

## **HD HISTORIC DISTRICT**

### **520 HD District Purpose**

The HD Historic Overlay District enables the adoption of special performance and development standards in combination with site development regulations of a base district for areas of special historical or architectural significance within the City of Storm Lake. The District recognizes the importance of historically and architecturally significant districts to the character of Storm Lake and provides for their conservation.

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### 521 HD District Procedure for Adoption

- a. Proposal: The creation of an HD Historic Overlay District may be initiated by the Planning and Zoning Commission; the City Council; or by petition of the owner or owners of 51% of the property area within the proposed district.
- b. Requirements for Application: An application for the creation of an HD Overlay District must include:
  1. A statement describing the proposed district's special historical or architectural characteristics and stating the reasons for proposal of the district
  2. A map indicating the boundaries of the proposed HD Overlay District, specifying the base district(s) included within these boundaries.
  3. An inventory of the buildings or historically important sites located within the boundaries of the proposed district.
  4. Supplemental site development regulations, design criteria, and performance standards that apply to the proposed district.

### 522 HD District Adoption of District

- a. The Planning and Zoning Commission and City Council shall review and evaluate each HD Overlay District application.
- b. The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning and Zoning Commission may recommend amendments to HD district applications.
- d. The recommendation of the Planning and Zoning Commission shall be transmitted to the City Council for final action.
- e. The Ordinance adopting the HD District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- f. An Ordinance adopting an HD Overlay District shall require a favorable vote of a simple majority of the City Council for approval.
- g. Upon approval by the City Council, each HD Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.
- h. Any protest against an HD Overlay District shall be made and filed as provided by Iowa State Statutes.

## **SPECIAL AND OVERLAY DISTRICTS**

### **523 HD District Developments and Building Permits within an HD District**

- a. All plans for development within an HD District shall be reviewed by the Storm Lake Design Review Board. This Board shall be composed of seven members, ideally composed of one architect, one historian, one artist, and four members of the community at large. The Design Review Board shall be recommended by the Mayor and approved by the City Council.
- b. Prior to the issuance of any building permits or other authorization for development, all projects requiring a building or development in the HD District shall be reviewed by the Design Review Board in a public hearing following proper notice, for consistency with the design criteria of the HD District and determined to be consistent with the regulations of the district. The City shall not issue a building permit, certificate of occupancy, or other permit for a building, structure, or use within an HD District unless it is in compliance with the approved site development regulations for the HD District, or any approved amendments.
- c. A denial of a project in an HD District by the Design Review Board may be appealed to the Board of Adjustment.

### **524-529 Reserved**

## **IR INDUSTRIAL REUSE DISTRICT**

### **530 IR District Purpose**

The IR Industrial Reuse Overlay District enables the reuse of large commercial buildings within selected commercial areas for high quality industrial uses, which have extremely limited external effects on neighboring properties. The District is intended to assure that all major building resources in Storm Lake are put into productive use that strengthens the economy of the community and the region. However, it also provides regulations, which control the effects of such developments on neighboring properties.

### **531 IR District Procedure for Adoption**

- a. Proposal: The creation of an IR Industrial Reuse Overlay District may be initiated by the Planning and Zoning Commission or the City Council. The IR District may be used only in combination with a CC Community Commercial zoning district.
- b. Requirements for Application: An application for the creation of an IR Overlay District must include:
  1. A map indicating the boundaries of the proposed IR Overlay District, specifying the base district(s) included within these boundaries.

## **SPECIAL AND OVERLAY DISTRICTS**

2. An inventory of the buildings located within the boundaries of the proposed district.

### **532 IR District Adoption of District**

- a. The Planning and Zoning Commission and City Council shall review and evaluate each IR Overlay District application.
- b. The Planning and Zoning Commission, after proper notice, shall hold a public hearing and act upon each application.
- c. The Planning and Zoning Commission may recommend amendments to IR district applications.
- d. The recommendation with appropriate findings of the Planning and Zoning Commission shall be transmitted to the City Council for final action.
- e. The Ordinance adopting the IR District shall include a statement of purpose, a description of district boundaries, and a list of supplemental site development regulations and performance standards.
- f. An Ordinance adopting an IR Overlay District shall require a favorable vote of a simple majority of the City Council for approval.
- g. Upon approval by the City Council, each IR Overlay District shall be shown on the Zoning Map, identified sequentially by order of enactment and referenced to the enacting Ordinance.

### **533 IR District Development Standards within an IR Overlay District**

- a. Within an IR Industrial Reuse Overlay District, a building with a gross floor area of 20,000 square feet or above may be used for the following use types in addition to those permitted by the base district:
  - Custom Manufacturing
  - Light Industry
  - Warehousing
- b. All development within an IR Overlay District is governed by the site development regulations for the base district. In addition, any use of buildings for industrial use types must comply with the following additional site development regulations:
  1. No outdoor storage of any type may occur on the site. All storage must be located within enclosed structures.
  2. Mandatory buffer yards shall be provided between industrial use types and other land uses. A minimum buffer yard of 50-feet shall be provided between an industrial use type and neighboring residential or agricultural land uses. A minimum buffer

## **SPECIAL AND OVERLAY DISTRICTS**

yard of 20-feet shall be provided between an industrial use type and any other neighboring use. Landscaping of buffer yards shall be implemented as required by Article 8 of this Ordinance.

3. No measurable environmental effects shall exist at the property lines of the proposed industrial use. These include odors, noise, industrial emissions, or glare.
4. The City Council may establish additional site development regulations to govern development within an IR Industrial Reuse Overlay District.

### **534 IR District Building Permits**

- a. The Zoning Administrator shall review all building or development permits within an IR Overlay District. Building or other development permits issued by the City in an IR District shall be consistent with the regulations adopted for the IR Overlay District.
- b. Any denial of a building or development permit by the Zoning Administrator may be appealed to the Board of Adjustment.

### **535-539 Reserved**

## **GD GATEWAY DISTRICT**

### **540 Gateway Overlay District Purpose**

Gateway corridors form the “front door” to the community and create an image and identity for the city. Development within gateway corridors provide first impressions when entering the city and last impressions when leaving the City. Consistent with the vision, guiding principles and policies of the Comprehensive Plan, the gateway overlay district is intended to establish a standard for site and building development on highly visible gateway corridors. As a whole, the massing and details of the buildings and site landscaping amenities shall be the dominant visible features from the street, and not parking. The standards shall apply to all properties that fall within the gateway district overlay. All other standards within the zoning code apply; however, where there is a conflict between the zoning ordinance and these special requirements, these special requirements shall take precedence.

### **541 Permitted Uses**

Permitted uses within the GD overlay district shall be governed by the underlying base zoning district.

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### 542 District Applicability

Regulations for properties included within the Gateway Overlay District shall apply as follows:

- a. New Construction (including new construction that is a result of redevelopment)
- b. Additions to existing buildings. When one or both of the following conditions apply, the entire building and site must comply with the Site Development, Building, and Signage Regulations in sections 543, 544, and 545 below:
  1. An addition to an existing building, which exceeds 25% of the gross square footage of the building
  2. When the estimated improvement costs (not including site work) exceeds 50% of the assessed value of the buildings current value
- c. Any change from a permitted use in the underlying zoning district to a conditional use in the underlying zoning district
- d. Any rezoning of the base district

### 543 Site Development Regulations

The following site development regulations shall apply:

- a. Building Orientation
  1. New buildings shall be oriented with the front primary entry of the building facing towards an arterial street.
  2. For new buildings, a minimum of 25% of the lot frontage facing the primary arterial street shall consist of building frontage (this may include a patio or deck area that is connected to or part of the primary use of the building).
  3. Buildings shall be set back a minimum of 10 feet and a maximum of 20 feet from the front property line. The setback area shall be used for landscape areas, front entry enhancements, or for plaza space.
- b. Parking Location and Orientation
  1. Parking lots are encouraged to be located to the rear of the building. No more than 25% of the lot frontage can be utilized for surface parking area..
  2. Parking that is located in the front yard area shall be oriented to prevent headlight glare on to the principle arterial street.
  3. Parking that is located in the front yard area shall be screened from the principal arterial street through the use of landscaping or berming. Decorative see through fence materials no more than 3 ½ feet in height may be used to screen parking areas.

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4. Parking lots over 30 spaces or 10,000 square feet in area shall provide shade trees within planting islands. The island shall be a minimum 8' wide and 18' long. One island shall be provided for every 30 parking spaces. Grass, ground cover or shrubs shall also be planted within the island with the trees. The islands may be curbed and raised or sunken and utilized as a storm water management system.
  5. Shared parking between adjacent uses is encouraged. A reduction in required parking spaces will be granted provided the applicant can demonstrate peak parking demands do not exceed total available parking spaces and proof of parking can demonstrate the ability to add parking should it be necessary. A shared parking agreement is required between property owners to be recorded with the Buena Vista County Recorder and the City Clerk.
  6. Pedestrian ways (sidewalks, plazas, trails) shall be installed that connect building entrances and parking areas to existing or planned trails/sidewalks along public street rights of way. Clearly marked pedestrian lanes shall be provided through parking areas greater than 50 cars and at key crossings site entry drives. Sidewalks that connect the right of way to the building entrance shall be a minimum of 8 feet wide.
- c. Utilities/Access/Infrastructure
1. Newly installed utility services, and service revisions necessitated by exterior alterations, shall be underground.
  2. Utility service boxes shall be located in rear yards where possible or side yards as an alternative. If located near the front of the lot boxes shall be screened with landscaping and be designed to minimize their visual effect on the site.
  3. On site stormwater management shall be shared between lots or to rear lots except where such features are manicured landscape amenity features, a maintained rainwater garden or functional aesthetic/art elements.
  4. Access to sites in the gateway overlay districts shall be limited to one access on to the primary arterial street per existing lot for office or retail properties with less than 15,000 gross square feet. All other uses are limited to no more than two curb cuts on to the primary arterial. Driveway curb cuts shall be designed to a minimum width necessary to facilitate safe and efficient vehicular access consistent with the present or proposed use.
  5. Where possible, consolidation of individual driveways is encouraged through shared driveway arrangements.
  6. Provide pedestrian scale (16' maximum height) lighting along walkways into and out of parking lots to strengthen the sight line of the route of travel and increase security for nighttime use. This lighting shall be in addition to vehicular scale (20' plus height) parking lot lighting.
  7. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in

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criteria for equipment screening.

- d. Site Landscaping
  1. A minimum of one tree must be planted and maintained for each 500 square feet of pervious area.
  2. A minimum of one shrub shall be planted and maintained for each 150 square feet of pervious area. All required shrubs shall be planted in the front yard setback or front yard and street side yard if both exist.
  3. Herbaceous non-woody plant material may be substituted for the required shrubs at a rate of 4 herbaceous plants for 1 shrub. No more than 50% of the shrubs required can be substituted with herbaceous non-woody plant material. Plant material shall be selected for interest in its structure, texture, and color and for its ultimate growth. Plants chosen shall be indigenous to the area and hardy, harmonious to the design, and of good appearance.
  4. Parking areas and traffic ways shall be enhanced with landscaped spaces containing trees or tree groupings.
  5. Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, planting, or combinations of those. Screening shall be equally effective in winter and summer.

### 544 Building Regulations

The following building regulations shall apply to all new development or redevelopment within the district and to any existing legal non-conforming use that change to a conforming use:

- a. Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from any public ways.
- b. Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building's design.
- c. Separate entries for each unit are encouraged with clustering four or less entries is allowable with appropriate architectural application, such as an interior breezeway or exterior courtyard. Facade details that reflect the buildings architectural style shall be used on all exposed building elevations, not just the street facing or entry facade.
- d. Building volume and mass are partially defined by facade treatment. Facades shall be designed to be proportional to the overall building and reflect the architectural style. Building volumes shall be reduced through wall offsets or projections. Such variations shall be designed so that there is no more than 25 linear feet of unvaried facade.
- e. Monotonous, uninterrupted expanses of wall shall be avoided. Recesses, projections, columns, openings, ornamentation, materials and colors shall be used to add texture and detail. Blank walls shall not normally exceed 10 feet of lineal frontage along primary

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- arterial corridor and 25 feet along any side street.
- f. Entries and windows shall contribute to the volume, mass, proportion and texture of the building. They shall be designed as an integral part of the overall building design and shall reflect the building's architectural style.
  - g. Street fronting windows shall be at least 12 inches and no more than 30 inches above the sidewalk level.
  - h. Individual business entries shall be readily identifiable from the public right of way with primary building entries fronting on the primary arterial street. Entries can be articulated with recesses, projections, porches and other distinctive elements.
  - i. Exterior wall materials shall be brick, stone, stucco or other high quality materials. Plywood, plastic, aluminum, vinyl siding and similar materials are not permitted. Exterior Insulation Finish System (EIFS) (commonly known by brand name "Dryvit" or similar) is allowed only if the final finish and connections appear as natural stucco. EIFS shall not be utilized in the lower 7' of the façade.
  - j. Masonry shall be utilized on a minimum of 25% of each exterior surface except for the rear of the building.
  - k. The selected material and color palette shall be used on all exposed sides of a building.
  - l. Materials shall be high quality and durable.

### 545 Signage Regulations

The following signage regulations shall apply to all new development or redevelopment within the district and to any existing legal non-conforming sign that changes to a conforming sign:

- a. Every building or commercial complex shall incorporate sign design into the overall project design plan. Sign design, materials and illumination shall complement the building scale, proportions, architectural style, materials and colors.
- b. Where more than one sign is allowed, all signs shall be designed using the same construction methods and materials, colors, lettering and logo styles.
- c. The location and size of signs shall clearly relate to the architecture of that particular structure. Signs shall not cover windows, roof shapes or dominate trim. Roof and wall signs that extend above roof lines are prohibited.
- d. Wall and fascia signs shall be located to indicate building entries without dominating the facade.
- e. Freestanding pole and pylon signs are prohibited. Low profile monument signs are to be allowed. Monument signs may be placed in the 10' front yard setback. Low profile monument signs shall be placed so as not to obstruct vision or create a traffic hazard.

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- f. Low profile monument signs shall incorporate the architectural character and materials of the building.
- g. A single, low profile monument sign may incorporate the addresses and business names for multiple tenants of a building or complex. All tenant signs shall be of a uniform size, color and style when combined in a single sign format.
- h. A freestanding monument sign may not exceed 25 Square feet per side and not exceed 4'-6" in height.
- i. Projecting signs are allowed on storefronts up to a height of 14 feet, with maximum projection of 4 feet from the face of the building. Clearance of at least 8 feet must be maintained to the sidewalk. The overall size of the sign shall not exceed 10 square feet.
- j. The total area of all signs on a building should be limited to a size equal to one square foot per frontage foot of building face, with a minimum allowance of 25 square feet regardless of front footage. When the ground floor of a building is occupied by more than one tenant, each shall be entitled to a pro-rata share footage based on the frontage used by that tenant with each tenant being entitled to a minimum of 25 square feet regardless of each tenant's front footage.
- k. Sign should be located directly above the business entrance or to the sides of the entrance at eye level, so that they are visible below the foliage of street trees for the amenity and convenience of the pedestrian. Sign may be located centered on the building frontage if the main entrance is off set to a side.
- l. The size of signs shall be appropriate to viewing distance. Pedestrian oriented signs shall be smaller than vehicle oriented signs, however all signs shall be in scale with the streetscape/pedestrian movements.
- m. The maximum number of permanent signs per business shall be two different types of signs, such as a wall sign, a projecting sign or a permanent banner. Otherwise only one sign per business is allowed.
- n. Additional or larger signs may be allowed for large scale projects provided that the function and design is justified through a comprehensive sign plan for the project and approved by the City. Justification for additional signs shall be based on functional needs, such as multiple entrances or uses within a development. Larger signs shall be justified by specific site conditions or appropriate proportional scale to the overall building.
- o. Internally illuminated plastic signs are prohibited. Individually illuminated sign letters within an allowable wall sign area may be used, provided the entire sign and background are not internally illuminated.
- p. Additional signs are allowed for businesses that provide pedestrian access to sales and service areas through the rear of buildings. For such businesses, rear access signage shall be equal to allowable signage for front facades.
- q. Window graphics shall be applied so that they do not obscure visibility into a shop. No more than 25% of an area of any one window shall be used for a sign. Such signage shall be designed to complement the other signs and the design of the storefront.

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- r. Window graphics are recommended to be painted or applied vinyl letters on glass or a clear acrylic panel behind the windows. These types of window graphics are permanent signs, and their area must be counted in the overall allowable area for signs.
- s. Banners and cloth signs shall be used primarily for special, festive occasions. If such signs are used on a permanent basis, a condition of their initial approval is agreement to replace them when they begin to show wear. A banner shall be considered a permanent sign if it displays content or identification of any kind that relates to the business or service establishment of the building to which the banner is attached.

### **546 Development Review**

Development projects submitted to the city within the Gateway District Overlay shall be administratively reviewed by the zoning and building official for compliance with the regulations of the Gateway Overlay District. The zoning official may choose to engage the Design Review Architect as assigned by the City of Storm Lake to suggest enhancements and review the development plans for compliance with this article.

Site plans and building plans shall be submitted and reviewed consistent with the procedures outlined in Article 12.

### **547-549 Reserved**

## **AH AIRPORT HEIGHT ZONING DISTRICT**

### **550 Airport Height Zoning**

This Article shall be known and cited as “The Storm Lake Municipal Airport Height Zoning District.”

- a. Definitions: As used in this Article, unless the context otherwise requires:
  - 1. “AIRPORT”: The Storm Lake Municipal Airport.
  - 2. “AIRPORT ELEVATION”: The highest point of an airport’s usable landing area measured in feet above mean sea level, which elevation is established to be one thousand four hundred eighty-seven and one-half feet (1,487.5’).
  - 3. “AIRPORT HAZARD”: Any structure or tree or use of land which would exceed the Federal obstruction standards as contained in fourteen (14) Code of Federal Regulations sections seventy-seven point twenty-one (77.21), seventy-seven point twenty-three (77.23) and seventy-seven point twenty-five (77.25) latest revisions, and which obstruct the airspace required for flight of aircraft and landing or takeoff at an airport or is otherwise hazardous to such landing or taking off of aircraft.

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4. “RUNWAY OBSTACLE FREE ZONE”: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the runway obstacle free zone extends two hundred feet (200’) beyond each end of that runway. The width of the runway obstacle free zone of a runway will be that width prescribed in part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point of the runway obstacle free zone is the same as the elevation of the nearest point of the runway centerline.
5. “AIRSPACE HEIGHT”: For the purpose of determining the height limits in all zones set forth in this Article and shown on the Storm Lake Municipal Airport Height Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.
6. “CONTROL ZONE”: Airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
7. “INSTRUMENT RUNWAY”: A runway having an existing instrument approach procedure utilized air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
8. “MINIMUM DESCENT ALTITUDE”: The lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle to land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.
9. “MINIMUM ENROUTE ALTITUDE”: The altitude in effect between fixes which assured acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
10. “MINIMUM OBSTRUCTION CLEARANCE ALTITUDE”: The specified altitude in effect between radio fixes or VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.
11. “RUNWAY”: A defined area on an airport prepared for landing and takeoff of aircraft along its length.
12. “VISUAL RUNWAY”: A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

b. Airport Zones and Airspace Limitations

In order to carry out the provisions of this Section, there are hereby created and established certain zones which are depicted on the Storm Lake Municipal Airport Height Zoning Map.

## SPECIAL AND OVERLAY DISTRICTS

A structure located in more than one zone of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Horizontal Zone:

**Airport Height Zone:** The land lying under a horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by: Swinging arcs of ten thousand feet (10,000') radii from the center of each end of the primary surface of runways seventeen (17) and thirty-five (35), and connecting the adjacent arcs by lines tangent to those arcs. No structure shall exceed one hundred fifty feet (150') above the established airport elevation in the horizontal zone, as depicted on the Storm Lake Municipal Airport Height Zoning Map.

2. Conical Zone:

The land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand feet (4,000'). No structure shall penetrate the conical surface in the conical zone, as depicted on the Storm Lake Municipal Airport Height Zoning Map.

3. Approach Zone:

The landing lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. (Note: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end).

(a) The inner edge of the approach surface is:

- 1) Two hundred fifty feet (250') wide for runways six (6) and twenty-four (24).
- 2) Five hundred feet (500') wide for runways thirteen (13), thirty-one (31), seventeen (17) and thirty-five (35).

(b) The outer edge of the approach zone is:

- 1) One thousand two hundred fifty feet (1,250') for runways six (6) and twenty-four (24).
- 2) One thousand five hundred feet (1,500') for runway thirteen (13).
- 3) Two thousand feet (2,000') for runway thirty-one (31).
- 4) Three thousand five hundred feet (3,500') for runways seventeen (17) and thirty-five (35).

(c) The approach zone extends for a horizontal distance of:

- 1) Five thousand feet (5,000') at a slope of twenty (20) to one (1) for runways thirteen (13), thirty-one (31), six (6) and twenty-four (24).
- 2) Ten thousand feet (10,000') at a slope of thirty-four (34) to one (1) for runways seventeen (17) and thirty-five (35).

No structure shall exceed the approach surface to any runway, as depicted on the Storm Lake Municipal Height Zoning Map.

## SPECIAL AND OVERLAY DISTRICTS

### 4. Transitional Zone:

The land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven (7) to one (1) from the sides of the primary surface and from the sides of the approach surfaces.

No structure shall exceed the approach surface to any runway, as depicted on the Storm Lake Municipal Airport Height Zoning Map.

5. No structure shall be erected in Buena Vista County that raises the published minimum descent altitude for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any Federal airway in Buena Vista County.

### c. Use Restrictions

Notwithstanding any other provisions of Section 550, no use may be made of land or water within the City of Storm Lake, Buena Vista County, or Sac County in such a manner as to interfere with the operation of any airborne aircraft. The following special requirements shall apply to each permitted use:

1. All lights or illumination used in conjunction with street, parking signs or uses of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from the Storm Lake Municipal Airport or in the vicinity thereof.
2. No operations from any use shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of the Storm Lake Municipal Airport.
3. No operations from any use in the City of Storm Lake, Buena Vista County or Sac County, shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

### d. Lighting

1. Notwithstanding the provisions of Section 550 the owner of any structure over two hundred feet (200') above the ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA), Advisory Circular 70-7460-1K and amendments. Additionally, any structure, constructed after the effective date of this Chapter and exceeding nine hundred forty-nine feet (949') above ground level, must install on that structure high intensity white obstruction lights in accordance with Chapter 7 of the FAA Advisory Circular 70-7460-1K and amendments.
2. Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City of Storm Lake, Buena Vista County, or Sac County, at its own expense to install, operate and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

## SPECIAL AND OVERLAY DISTRICTS

e. Variances

Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use his property in violation of any Section of this Chapter, may apply to the Airport Board of Adjustment for variance from such regulations. No application for variance to the requirements of this Chapter may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Storm Lake Airport Commission for its opinion as to the aeronautical effects of such a variance. If the Storm Lake Airport Commission does not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of application, the Board may make its decision to grant or deny the variance.

f. Airport Board of Adjustment

1. There is hereby created a Board of Adjustment to have and exercise the following powers:
  - (a) To hear and decide appeals from any order, requirement, decision, or determination made by the Airport Zoning Board in the enforcement of this Article;
  - (b) To hear and decide special exceptions to the terms of this Article upon which such Board of Adjustments under such regulations may be required to pass; and
  - (c) To hear and decide specific variances.
2. The Airport Board of Adjustment shall consist of seven (7) members appointed pursuant to the provisions of Section 329.12, Code of Iowa, and each shall serve for a term of five (5) years and until his/her successor is duly appointed and qualified.
3. The Airport Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Article. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. The chairman, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Storm Lake City Zoning Administrator, and on due cause shown.
4. The Airport Board of Adjustment shall have the powers established in Iowa Code, Section 414.12.
5. The concurring vote of a majority of the members of the Airport Board of Adjustment shall be sufficient to reverse any order, requirement, decision or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this Article, or to effect variations of this Article.

## SPECIAL AND OVERLAY DISTRICTS

g. Judicial Review

Any person aggrieved, or any taxpayer affected, by decision of the Board of Adjustment, may appeal to the court as provided in Iowa Code, Section 414.15.

h. Administrative Agency

It shall be the duty of the Storm Lake City Zoning Administrator to administer the regulations prescribed herein. Applications for permits and variances shall be made to the Storm Lake City Zoning Administrator upon a form furnished by him/her. Applications required by this Article to be submitted to the Administrative Agency shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be forthwith transmitted by the Storm Lake City Zoning Administrator.

i. Municipal Infraction

A violation of any of the provisions of this Article shall constitute a Municipal infraction subject to the penalties and alternative relief authorized by Title 1, Chapter 20 of the City Code of the City of Storm Lake, Iowa and by [Section 364.22 of the Code of Iowa](#).

**SUPPLEMENTAL USE REGULATIONS**

# 6 ARTICLE SIX – SUPPLEMENTAL USE REGULATIONS

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## **601 Purpose**

The Supplemental Use Regulations set forth additional standards for certain uses located within the various zoning districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. These regulations complement the use regulations contained in Article 4 of this Ordinance.

## **602 Supplemental Use Regulations: Agricultural Uses**

Nothing in these provisions shall relieve any property owner or user from satisfying any condition or requirement associated with a previous approval, special permit, variance, development permit, or other permit issued under any local, State, or Federal ordinance or statute.

### a. Horticulture and Crop Production: Retail Sales

Retail operation of garden centers or roadside stands associated with a primary agricultural use are subject to the following requirements:

#### 1. Garden Centers

- (a) A garden center is a building or premises used for the retail sale of plant materials or items useful in the growing or display of lawns, gardens, and plants.
- (b) Garden centers must conform to all site development regulations for the zoning district.
- (c) Any garden center adjacent to a residential district must maintain a 20-foot landscaped buffer yard, consistent with the standards established in Article 8.

#### 2. Roadside Stands

- (a) A roadside stand is a facility used on a temporary or seasonal basis for the retail sale of produce grown largely on adjacent or surrounding agricultural lands.
- (b) A roadside stand may be located within a required front yard but no closer than 40 feet to the edge of a traveled roadway.
- (c) A roadside stand may operate for a maximum of 180 days in any one year.

### b. Animal Production or Urban Animal Husbandry

- 1. Any building housing urban animals shall be at least 20 feet from any property line and 25 feet from any dwelling unit on the site.

## SUPPLEMENTAL USE REGULATIONS

2. 0.5 animal units shall be allowed for each acre of land. Fractions that are less than 0.5 shall be rounded down to the nearest whole number. Fractions greater than 0.5 shall be rounded up to the nearest whole number.

One animal unit is defined as equal to the following:

- 1 – large hoofed animals (i.e. horse, mule, cow, llama or similar)
- 4 – small hoofed animals (i.e. sheep, goats, swine, or other similar)
- 6 – large fowl (i.e. geese, turkeys, or other similar)
- 10 – small animals and fowl – (i.e. rabbits, chickens, ducks, or other similar)

Formula: lot size in square feet, divided by 43,560, times 0.5 = allowable animal units (round up or down to the nearest whole)

3. The Zoning Administrator may determine a unit number for animals not listed.
4. Animals shall not be allowed to roam free and shall be kept within fences, corrals, barns, stables, pens, etc.
5. Any building housing animals shall be located no closer than 20 feet to an adjacent property line and 25 feet from any habitable residence. A property is limited to no more than one enclosed structure per animal unit type without a conditional use permit.
6. Fences, corrals, and similar structures must adhere to setback regulations for the applicable zoning district.
7. All feed shall be stored in rodent proof containers.
8. All litter and animal waste shall be removed on a regular basis and disposed of promptly and properly.
9. Keeping of urban animals within the City Limits shall require an administrative license issued by the City of Storm Lake.

### c. Urban Agriculture

1. Compost bins shall be permitted in rear and interior side yards and shall be located no closer than 5 feet to any property line and a minimum of 20 feet from any structures. Compost bins shall be maintained and managed so as to not become a nuisance generating offensive odors or pests.
2. Outdoor storage of equipment and materials used for urban agricultural practices shall be allowed only in rear yards and shall be screened from view of neighboring residential properties or fully enclosed in a garden shed or garage.
3. Garden areas shall not be allowed in any required side yard (set back area)

## SUPPLEMENTAL USE REGULATIONS

### 603 Supplemental Use Regulations: Residential Uses

a. Zero-Lot Line Single-Family Detached Residential

Within a planned unit development, one interior side yard may be equal to zero for single-family detached residential use, subject to the following additional regulations:

1. The normal side yard setback requirement must be maintained adjacent to any lot with an existing structure not within the planned unit development; or not otherwise designated for zero lot line use.
2. An easement for maintenance of the zero lot line facade is filed with the Buena Vista County Recorder and the City Clerk at the time of application for a building permit.

b. Co-Housing

Where permitted, Co-Housing projects shall be developed through the PUD Process. All site, building, and impervious surface regulations of the base zoning district shall apply.

c. Townhouse Residential

Where permitted, townhouse residential is subject to the following regulations:

1. The minimum width for any townhouse lot sold individually shall be 25 feet, except within an approved planned unit development.
2. Coverage percentages are computed for the site of the entire townhouse common development.

d. Downtown and Group Residential in CBD District

Downtown and Group Residential uses are permitted in the CBD District only on levels above street level. A unit or units specifically designed for occupancy by disabled residents may be developed at street level, subject to approval by the Board of Adjustment.

e. Commercial Residential

Residential uses are allowed in the LC, CC, and CBD Zoning District under the following conditions:

1. The dwelling unit is only allowed to be above, alongside or to the rear of the permitted business.
2. The dwelling unit must be attached to the permitted business.
3. Fire separations must be provided as required by the Building Code.
4. All required parking for the dwelling must be provided in addition to that required for the permitted business.

## SUPPLEMENTAL USE REGULATIONS

f. Manufactured Housing

Manufactured Housing uses are allowed with the following conditions:

1. The home shall have at least 900 square feet of floor area;
2. The home shall have an exterior width of at least 18 feet;
3. The roof shall be pitched with a minimum vertical rise of 2.5 inches for each 12 inches of horizontal run.
4. The exterior material is of a color, material, and scale comparable with those existing in (or adjacent to) the residential site on which the manufactured home dwelling is being permanently installed;
5. The home shall have a non-reflective roof material, which is or simulates asphalt or wood shingles, tile, or rock;
6. Permanent utility connections shall be installed in accordance with local regulations;
7. The home shall have all wheels, axles, transporting lights, and towing apparatus removed; and
8. The home shall be installed upon a permanent foundation that is constructed and built in accordance with local regulations.

g. Mobile Home Parks in the R-3 and R-4 Districts

Mobile Home Parks are permitted in the R-3 and R-4 Districts as Conditional Uses, subject to approval by the Board of Adjustment. In the R-3 and R-4 Districts, which permits mobile home residential use, such use may be configured in a Mobile Home Park or Mobile Home Subdivision. Following the effective date of this Ordinance, no mobile home, which has been previously occupied, shall be located outside of a Mobile Home Park or Mobile Home Subdivision. A Mobile Home Park is subject to approval of a Conditional Use Permit and compliance with the following regulations:

1. Certification

A certification of compliance with all ordinances and regulations regarding mobile home licensing, zoning, health, plumbing, electrical, building, fire protection and any other applicable requirements shall be required of all Mobile Home Parks.

2. Minimum and Maximum Area

A Mobile Home Park shall be considered to be one zoned lot. The minimum contiguous area of a Mobile Home Park shall be 100,000 square feet.

3. Density Requirements

- a) The maximum gross density of a Mobile Home Park shall be 10 units per acre.

## SUPPLEMENTAL USE REGULATIONS

- b) The minimum size of an individual mobile home space shall be 3,500 square feet for singlewide mobile home units and 5,000 square feet for doublewide mobile home units.
  - c) Each mobile home space shall have a width of at least 40 feet and a length of at least 75 feet.
4. Site Development Standards
- a) **Setbacks:** Each Mobile Home Park shall have a minimum perimeter setback of 35 feet from adjacent non-residential uses and 50 feet from adjacent residential uses. No space for a dwelling unit or any other structure shall be permitted in the required setback.
  - b) **Setback Landscaping:** All area contained within the required setbacks except sidewalks and private drives shall be landscaped and screened in conformance with Article 8 of this Ordinance. Screening shall be provided in conformance with Article 8 for any common property line with another non-residential use.
  - c) **Impervious Coverage:** Impervious coverage for a Mobile Home Park shall not exceed the maximum impervious surface as identified in the respective zoning district.
  - d) **Open Space:** Each Mobile Home Park shall provide a minimum of 400 square feet of open recreational space per unit. Pedestrians shall be provided such space at a central location accessible from all parts of the park. Required perimeter setbacks or buffers shall not be credited toward the fulfillment of this requirement.
  - e) **Separation between Mobile Home Units:** The minimum separation between a mobile home unit and attached accessory structure and any other mobile home units and/or accessory structure shall be 20 feet.
  - f) **Separation and Setbacks for Accessory Buildings:** An accessory building on a mobile home space must maintain a minimum rear and side yard setback of five feet. A minimum distance of five feet shall be provided between any mobile home and an unattached accessory building.
5. Street Access and Circulation Requirements
- a) **Access to Public Street:** Each Mobile Home Park must abut and have access to a dedicated public street with a right-of-way of at least 60 feet. Direct access to a mobile home space from a public street is prohibited.
  - b) **Vehicular Circulation:** The Mobile Home Park must provide interior vehicular circulation on a private internal street system. Minimum interior street width shall be sufficient to accommodate emergency vehicle needs. The street system shall be continuous and connected with other internal and public streets; or shall have a cul-de-sac with a minimum diameter of 100 feet. No such cul-de-sacs may exceed 300 feet in length.

## SUPPLEMENTAL USE REGULATIONS

- c) Separation between Units and Circulation Areas: The minimum distance between a mobile home unit and any attached accessory structure and the pavement of an internal street or parking area shall be ten feet.
  - d) Sidewalks: Each Mobile Home Park shall provide a sidewalk system to connect each mobile home space to common buildings or community facilities constructed for the use of its residents; and to the fronting public right of way. The sidewalk system shall also connect interior home sites to the public sidewalk or trail system. Sidewalk width shall be at least four feet and shall be ADA compliant.
  - e) Street and Sidewalk Standards: All internal streets and sidewalks shall be hard-surfaced. Electric street lighting is required along all internal streets.
  - f) Parking Requirements: Each Mobile Home Park must provide at least two off-street parking stalls for each mobile home space.
6. Tornado Shelters: Tornado shelters shall be provided in the Mobile Home Park. Such shelter or shelters shall be built according to state and federal rules and be large enough to meet the specific needs of the park and its residents.
7. Utilities
- a) All Mobile Home Parks shall provide individual units and common facilities with an adequate, piped supply water for both drinking and domestic purposes; and standard electrical service, providing at least one 120-volt and one 240-volt electrical service outlet to each mobile home space.
  - b) Complete water and sewer service shall be provided within each Mobile Home Park in accordance with the Subdivision Ordinance.
  - c) Properly spaced and operating fire hydrants shall be provided for proper fire protection within each Mobile Home Park in accordance with the Subdivision Ordinance.
  - d) All electric, telephone, gas, and other utility lines shall be installed underground.
8. Financial Responsibility: Each application for a Mobile Home Park shall include a demonstration by the developer of financial capability to complete the project; and a construction schedule.
9. Completion Schedule: Construction must begin on any approved Mobile Home Park within one year of the date of approval by the Planning and Zoning Commission and City Council. Such construction shall be completed within two years of approval, unless otherwise extended by the City Council.
10. All other uses and provisions of the Storm Lake Mobile Home Park regulations are incorporated herein by reference. These provisions include tie-down and other structural requirements included in the Storm Lake Municipal Codes.

## **SUPPLEMENTAL USE REGULATIONS**

### **h. Mobile Home Subdivisions in the R-3 and R-4 Districts**

1. Mobile Home Subdivisions shall be developed in accordance with all standards and requirements set forth in the Subdivision Ordinance of Storm Lake. Site development regulations shall be the same as those required in the R-2 Zoning District. Each mobile home shall be considered a single-family detached residential unit for the purpose of determining applicable development regulations.
2. Mobile home units within Mobile Home Subdivisions shall be built in accordance with the minimum design standards of the US Department of Housing and Urban Development and display a certification of such compliance.
3. Mobile Home Subdivisions shall provide tornado shelter facilities as required by Section 603(g)(6).

## **604 Supplemental Use Regulations: Civic Uses**

### **a. Campgrounds**

1. **Minimum Size:** Each campground established after the effective date of this title shall have a minimum size of one acre.
2. **Setbacks:** All campgrounds shall maintain a 50-foot front yard setback and a 25-foot buffer yard from all other property lines.
3. Each campground must maintain water supply, sewage disposal, and water and toilet facilities in compliance with all City ordinances; or, alternately, be limited to use by self-contained campers, providing their own on-board water and disposal systems.

### **b. Clubs**

Clubs located adjacent to residential uses shall maintain a buffer yard of not less than fifteen feet along the common boundary with such residential use.

### **c. Day Care**

Day care facilities are permitted as a Conditional Use in the GI General Industrial Zoning District only if incidental to a permitted primary use.

### **d. Group Care Facilities and Group Homes**

1. Each group care facility or group home must be validly licensed by either the State of Iowa or the appropriate governmental subdivision.
2. Group homes are permitted in the CBD District only on levels above street level except that a facility specifically designed for occupancy by disabled residents may be developed at street level, subject to approval as a Conditional Use by the Board of Adjustment.

## SUPPLEMENTAL USE REGULATIONS

e. Helipads

Helipads are only allowed to be developed as an accessory use to a Hospital facility, subject to approval as a conditional use and FAA approval.

### 605 Supplemental Use Regulations: Commercial Uses

a. Auto Service, Repair, Equipment Repair, and Body Repair

1. Where permitted in commercial districts, all repair activities, including oil drainage, lifts, and other equipment, must take place within a completely enclosed building. Outdoor storage is permitted only where incidental to Auto Repair and Body Repair, provided that such storage is for no longer than that which is permitted by Iowa laws and is completely screened so as not to be visible from residential areas or public rights-of-way. Screening is subject to provisions of Article 8 of this ordinance.
2. Any spray painting must take place within structures designed for that purpose and approved by the Building Official.
3. All entrances and exits serving gasoline service station, convenience store offering gasoline sales, or automobile repair shop shall be at least 150 feet from a school, public park, religious assembly use, hospital, or residential use, as measured along any public street. Such access shall be at least 40 feet away from any intersection.
4. All gasoline pumps shall be set back at least fifteen feet from any street line.

b. Auto Washing Facilities

1. Each self-service and conveyor operated auto washing facility shall provide stacking space for three automobiles per bay on the approach side and one space per bay on the exit side of the building.

c. Automobile and Equipment Rental and Sales

1. Required off street parking facilities shall be hard surfaced and maintained with materials sufficient to prevent mud, dust, or loose material.
2. Body repair services are permitted as an accessory use to automobile rental and sales facilities, provided that such repair services shall not exceed 25% of the gross floor area of the building.

d. Bed and Breakfasts

1. Bed and Breakfasts permitted in the CBD District must provide any sleeping facility only on levels above street level except that units specifically designed and reserved for occupancy by handicapped people may be located on the street level.

## SUPPLEMENTAL USE REGULATIONS

2. Bed and Breakfasts in Residential districts shall be limited to no more than 4 individual units for stay. Garbage/recycling services and storage of materials associated with the bed and breakfast shall be contained within a garage or fully enclosed accessory structure.

e. Convenience Storage

1. When permitted in the RES, CC, and LI Districts, convenience storage facilities shall be subject to the following additional requirements:
  - (a) The minimum size of a convenience storage facility shall be one acre.
  - (b) Activities within the facility shall be limited to the rental of storage cubicles and the administration and maintenance of the facility.
  - (c) All driveways within the facility shall be a minimum width of 25 feet. Entrance driveways must be concrete or asphalt from the property line to the street.
  - (d) All storage must be within enclosed buildings and shall not include the storage of hazardous materials.
  - (e) No storage buildings may open into required front yards.
  - (f) Facilities must maintain landscaped buffer yards of 35 feet adjacent to any public right-of-way and 20 feet adjacent to other property lines, unless greater setbacks are required by Article 8.
  - (g) No storage buildings shall front on an arterial street.

f. Marinas

A boat marina, including related commercial sales, boat service, and amphibious events of sport, skill, or exhibition, shall be located at least 150 feet from the boundary of any residential district, excluding dwellings occupied by the owner or caretaker residing on the site.

g. Restaurants

Restaurants in the LC District that include the accessory sale of alcoholic beverages require approval of a Conditional Use Permit, as set forth in Section 1203.

### 606 Supplemental Use Regulations: Industrial Uses

a. Helipads

Helipads are only allowed to be developed as an accessory use to a principle permitted use in the IN-3, LI, and GI Zoning District, subject to conditional use approval and approval from the FAA.

## SUPPLEMENTAL USE REGULATIONS

### b. Resource Extraction

Resource extraction, where permitted, is subject to the following additional requirements:

1. Erosion Control: A resource extraction use may not increase the amount of stormwater run-off onto adjacent properties. Erosion control facilities, including retention and sediment basins, are required of each facility, if necessary, to meet this standard.
2. Surface Drainage: The surface of the use may not result in the collection or ponding of water, unless specifically permitted by the Board of Adjustment.
3. Storage of Topsoil: Topsoil shall be collected and stored for redistribution following the end of the operation.
4. Elimination of Hazards: Excavation shall not result in a hazard to any person or property. The following measures are required:
  - (a) Restoration of slopes to a gradient not exceeding 33% as soon as possible.
  - (b) Installation of perimeter safety screening.
  - (c) Installation of visual screening adjacent to any property within a residential or public use district.
5. Restoration of Landscape: The topography and soil of the resource extraction site shall be restored and stabilized within nine months of completion of the operation. The site shall be seeded, planted, and contoured in a way that prevents erosion. Alternately, the site may be used as a lake or body of water, subject to approval by the City Council.

### c. Salvage Services

No Salvage Services use may be established within the zoning jurisdiction of the City of Storm Lake.

## 607 Performance Standards for Industrial Uses

### a. Industrial Uses in the LI District: Performance Standards

The following performance standards apply to all industrial uses permitted within an LI Limited Industrial zoning district:

1. Physical Appearance: All operations shall be carried on within an enclosed building except that new materials or equipment in operable condition may be stored outside. Normal daily inorganic wastes may be stored outside in containers, provided that such containers are not visible from the street.

## SUPPLEMENTAL USE REGULATIONS

2. Fire Hazard: No operation shall involve the use of highly flammable gases, acid, liquids, or other inherent fire hazards. This prohibition shall not apply to the normal use of heating or motor fuels and welding gases when handled in accordance with the regulations of the City of Storm Lake.
3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the LI district shall generate sound levels in excess of those specified in Table 6-1 at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat frequency, or shrillness.
4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material, which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
5. Vibration: All machines shall be mounted to minimize vibration. No measurable vibration shall occur at the property line of the operation, which exceeds a displacement of 0.003 inch.
6. Glare and Heat: All glare generated by a use shall be shielded or directed so as not to be visible at the property line of the operation. No heat may be generated from an operation that raises the air temperature at the property line of the operation by more than five degrees Fahrenheit above the ambient air temperature.
7. Storage of Chemical Products: If allowed by conditional use permit, any above or below ground storage of liquid petroleum products or chemicals of a flammable or noxious nature shall not exceed an aggregate capacity of 150,000 gallons when stored on 1 lot less than 1 acre. Such storage shall not exceed 25,000 gallons in any one tank. Storage of liquid petroleum products or chemicals of a flammable or noxious nature in excess of 25,000 aggregate capacity shall be located at least 40' from any structure and at least 150' from any adjoining property line.

b. Industrial Uses in the GI District: Performance Standards

The following performance standards apply to all industrial uses permitted within a GI General Industrial zoning district:

1. Physical Appearance: Outside storage of product and/or heavier industrial uses and operations shall be screened from view from both streets and adjacent properties as provided by Section 805.
2. Fire Hazard: All flammable substances involved in any activity established in the district shall be handled in conformance with the latest edition of the International Fire Code; and other appropriate Federal, State, and City statutes.
3. Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts: No operation in the GI district shall generate sound levels in excess of those specified in Table 6-1 at the boundary of a residential district. All noises shall be muffled so as not to be objectionable because of intermittence, beat, frequency, or shrillness.

**SUPPLEMENTAL USE REGULATIONS**

4. Sewage and Wastes: No operation shall discharge into a sewer, drainage way, or the ground any material, which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
5. Vibration: All machines shall be mounted to minimize vibration. No vibration shall be permitted which interferes with neighboring industrial operations.
6. Storage of Chemical Products: Storage tanks containing liquid petroleum products or chemicals of a flammable or noxious nature shall be located 40' from any structure on the same property. Setbacks from adjoining property lines are as follows:

Gallons Aggregate Capacity	Distance from adjoining property lines
0 – 6,000.....	40'
6,001 – 9,000.....	60'
9,001 – 13,000.....	80'
13,001 – 17,000.....	100'
17,001 – 25,000.....	130'
25,001 and above.....	150'

**608 Maximum Permitted Sound Levels Adjacent to Residential Zoning Districts**

Table 6-1 displays the maximum permitted sound levels that may be generated by uses in the CC, LI, or GI zoning districts where adjacent to residential zoning districts. All measurements shall be taken at or within the boundary between the originating district and the adjacent residential zoning district with a sound level meter meeting ANSI specifications for a Type II or better general purpose sound level meter. The A-weighted response shall be used.

<b>Table 6-1: Maximum Permitted Sound Levels At Residential Boundaries</b>		
Originating Zoning District	Time	Maximum One Hour Leq* ( <u>dbA</u> )
CC, LI	7:00 a.m. - 10:00 p.m.	60
	10:00 p.m. - 7:00 a.m.	55
GI	7:00 a.m. - 10:00 p.m.	65
	10:00 p.m. - 7:00 a.m.	55
<p>* Leq is the constant sound level that, in a given situation and time period, conveys the same sound energy as the actual time-varying A-weighted sound. It is the average sound level and accurately portrays the sound the human ear actually hears.</p>		

## SUPPLEMENTAL USE REGULATIONS

### 609 Supplemental Use Regulations: Miscellaneous Uses

a. Landfills

New landfills are not permitted within the zoning jurisdiction of the City of Storm Lake.

### 610 Supplemental Use Regulations: Accessory Uses

a. Home-Based Businesses/ Home Occupations

Home-based businesses and home occupations are permitted as an accessory use in residential units subject to the following conditions:

1. External Effects:
  - (a) There shall be no change in the exterior appearance of the building or premises housing the home occupation other than signage permitted within this section.
  - (b) No noise, odors, bright lights, electronic interference, storage or other external effects attributable to the home occupation shall be noticeable from any adjacent property or public right of way.
  - (c) Mechanical or electrical equipment supporting the home occupation shall be limited to that which is self-contained within the structure and normally used for office, domestic or household purposes.
  - (d) No outdoor storage of materials or equipment used in the home occupation shall be permitted, other than motor vehicles used by the owner to conduct the occupation. Parking or storage of heavy commercial vehicles to conduct the home occupation is prohibited.
  - (e) No home occupation shall discharge into any sewer, drainage way, or on the ground any material, which is radioactive, poisonous, detrimental to normal sewer plant operation, or corrosive to sewer pipes and installations.
2. Employees: The home occupation shall employ no more than one full time or part time employee on site other than the residents of the dwelling unit, provided that one off-street parking space is made available and used by that non-resident employee.
3. Extent of Use: For all residential and reserve zoning districts, a maximum percent floor area of 30% of the dwelling may be devoted to the home occupation, inclusive of any detached accessory buildings used for the home occupation.
4. Signage: Signage designating the home occupation shall be permitted as provided by Article 10.

## SUPPLEMENTAL USE REGULATIONS

5. Traffic Generation
  - (a) Home-based businesses may generate no more than two vehicles at a time on a regular basis and up to five vehicles on an occasional basis.
  - (b) Deliveries or service by commercial vehicles or trucks over ten tons gross empty weight is prohibited for any home-based business located on a local street.
6. Prohibited Home-Based Businesses/Home Occupations: The following activities are prohibited as home-based businesses, even if they meet the other requirements set forth in this section:
  - (a) Animal hospitals
  - (b) General retail sales
  - (c) Mortuaries
  - (d) Repair shops or service establishments including major electrical appliance repair, motorized vehicle repair, and related uses
  - (e) Stables or kennels
  - (f) Welding, vehicle body repair, or rebuilding or dismantling of vehicles

b. Permitted Accessory Uses: Agricultural Use Types

1. Garden centers and roadside stands, subject to the regulations set forth in Section 602(a).
2. Other uses and activities necessarily and customarily associated with the purpose and functions of agricultural uses.

c. Permitted Accessory Uses: Residential Use Types

Residential uses may include the following accessory uses, activities, and structures on the same lot:

1. Private garages and parking for the residential use.
2. Recreational activities and uses by residents.
3. Home occupations, subject to Section 610(a) of these regulations.
4. Residential convenience services for multi-family uses or mobile home parks.
5. Garage sales, provided that the frequency of such sales at any one location shall not exceed one during a continuous, two month period or four sales during any twelve month period.
6. Essential services.

## SUPPLEMENTAL USE REGULATIONS

7. Uses and structures clearly incidental and necessary to the principle permitted uses or structures in this district, excluding, however, helipads which are allowed only as a conditional use, when approved by the Zoning Board of Adjustment.

d. Permitted Accessory Uses: Civic Use Types

Guidance Facilities and Health Care use types are permitted in the GI General Industrial zoning districts only as accessory uses to a primary industrial use, subject to approval by the Board of Adjustment.

e. Permitted Accessory Uses: Other Use Types

Other use types may include the following accessory uses, activities, and structures on the same lot:

1. Parking for the principal use.
2. Manufacturing or fabrication of products made for sale in a principal commercial use, provided such manufacturing is totally contained within the structure housing the principal use.
3. Services operated for the sole benefit of employees of the principal use.

### 611 Supplemental Use Regulations: Outdoor Storage Outside of the GI Zoning District

Outdoors storage is prohibited in all zoning districts except the GI General Industrial zoning district, except as provided in this section.

a. Agricultural Use Types

Outdoor storage is permitted only where incidental to agricultural uses.

b. Civic Use Types

Outdoor storage is permitted only where incidental to Maintenance Facilities.

c. Commercial Use Types

1. Outdoor storage is permitted where incidental to Agricultural Sales and Service; Auto Rentals and Sales; Construction Sales; Equipment Sales and Service; Stables and Kennels; and Surplus Sales.
2. Outdoor storage is permitted where incidental to Auto Services, Equipment Repair, and Body Repair, provided that such storage is completely screened at property lines by an opaque barrier, as set forth in Section 806(b). This provision shall apply to any Auto Services, Equipment Repair, or Body Repair use established after the effective date of this Ordinance.

## SUPPLEMENTAL USE REGULATIONS

### d. Industrial and Miscellaneous Use Types

1. Light Industry within the CBD Central Business District zoning district may not include outdoor storage.
2. Outdoor storage is permitted where it is incidental to Light Industry outside of the CBD Central Business District; General Industry; Heavy Industry; Resource Extraction; Salvage Services; Warehousing; and Construction Yards. Any such outdoor storage is subject to screening requirements set forth in Article 8.

## 612 Supplemental Use Regulations: Erosion Control

### a. Silt Control and Siltation Fencing

1. Permit: No person shall engage in any land disturbing activity on a lake lot or interior lot without first obtaining a permit from the Building Official. No permit shall be issued until it has been determined by the Building Official, after on-site inspection that the requirements of this ordinance have been complied with. An applicant shall pay a permit fee as established and amended from time to time by city resolution before receiving a permit, except that any excavation or land disturbing activity relating to a construction permit to erect or remodel a structure for which a permit fee has already been paid or application applied for, shall be exempt from the provision of this section.
2. Permit Application: A person seeking a permit shall file an application for same with the Building Official, on forms provided by the Building Official, which shall be accompanied by the permit fee and which shall also be accompanied by or contain a silt control plan showing anticipated compliance with this ordinance.
3. Permit Requirements: No permit shall be issued until a silt screen fence has been installed on the lake lot or interior lot where land disturbing activity is anticipated in accordance with the following directives:
  - a) The silt screen fence shall be installed below the direction of run off from the lot, between the land disturbing activity and the public right of way or the ordinary high water mark of the public lake, in a manner suitable to the lot so as to be more effective in preventing of lot soil into the public right of way or lake.
  - b) The silt screen fence shall be installed to run the entire length of the land disturbing activity and be blocked on each end to prevent run-off around the ends of the fence in order to protect the public right of way or public lake from siltation from the entire land disturbing activity area.
  - c) The silt screen shall have a minimum height of 36" and be installed in such a manner so that the bottom of the screen is dug into the surface of the lot a minimum of 12" with the backfill soil compacted.

## SUPPLEMENTAL USE REGULATIONS

- d) The silt screen fence support posts shall be made of steel and be spaced along the entire length of the fence with a maximum distance of 8' between the posts. Said posts shall extend above the silt screen and be placed into the ground at a depth consistent with their design and adequate support of the silt screen.
4. Duration: The silt screen fence shall remain in place on the lot and shall be maintained so that the fence and posts remain as an effective silt barrier, and at no time shall the accumulated silt exceed 2/3's the height of the silt fence. The silt fence shall be maintained until all land disturbing activity is completed and sufficient landscaping or vegetation exists to prevent any run off siltation from the lot into the public right of way or public lake. Before the silt screen fence is permanently removed, all collected silt at the base of the fencing must be removed and disposed of at a site that poses no continued threat of siltation.

### 613 Supplemental Use Regulations: Temporary Uses

a. Purpose

These provisions are intended to permit occasional, temporary uses and activities, when consistent with the objectives of the Zoning Ordinance and compatible with surrounding uses. They are further intended to prevent temporary uses from assuming the character of permanent uses.

b. Temporary Use Types

The following temporary uses are permitted, subject to the regulations contained within these sections:

1. Model homes or apartments, if contained within the development to which they pertain.
2. Development sales offices. Such offices may remain in place until 90% of the lots or units within the development are sold and may not be located within a mobile home or manufactured home/structure.
3. Public assemblies, displays, and exhibits.
4. Commercial circuses, carnivals, fairs, festivals, or other transient events, provided that events are located on property owned by the sponsoring non-profit organization, or are located within a CBD or more intensive zoning district.
5. Outdoor art shows and exhibits.
6. Christmas tree or other holiday-related merchandise sales lots, provided that such facilities are not located in a residential zoning district.
7. Construction site offices, if located on the construction site itself.

## SUPPLEMENTAL USE REGULATIONS

8. Outdoor special sales, provided that such sales operate no more than three days in the same week and five days in the same month; and are located in commercial or industrial zoning districts.
9. Construction Batch Plants, provided that:
  - (a) No plant may be located within 600 feet of a developed residential use, park, or school.
  - (b) The facility is located no more than one mile from its job site. The Zoning Administrator may extend this distance to two miles, if such extension avoids use of local streets by plant-related vehicles.
  - (c) Hours of operation do not exceed 12 hours per day.
  - (d) The duration of the plant's operation does not exceed 180 days.
10. Additional temporary uses that the Zoning Administrator determines to be similar to the previously described uses in this section.

c. Required Conditions of All Temporary Uses

1. Each site shall be left free of debris, litter, or other evidence of the use upon its completion or removal.
2. The Zoning Administrator may establish other conditions, which he/she deems necessary to ensure compatibility with surrounding land uses.

d. Permit Application and Issuance

1. An application to conduct a temporary use shall be made to the Zoning Administrator and shall include at a minimum a description of the proposed use; a diagram of its location; information regarding hours and duration of operation; and other information necessary to evaluate the application.
2. The Zoning Administrator may authorize a temporary use only if he/she determines that:
  - (a) The use will not impair the normal operation of a present or future permanent use on the site.
  - (b) The use will be compatible with surrounding uses and will not adversely affect the public health, safety, and welfare.
3. The duration of the permit shall be explicitly stated on the permit.
4. Decisions of the Zoning Administrator may be appealed to the Board of Adjustment.

## SUPPLEMENTAL USE REGULATIONS

### 614 Adult Oriented Business

In adopting these supplemental use regulations, it is recognized that adult entertainment facilities have certain objectionable side effects which render these facilities incompatible with residential, public, and other family uses, when the adult facilities are located close to or adjacent to such uses. This section seeks to ensure that residential, public, family orientated business, and adult entertainment facilities will be located in separate and compatible locations, it is a subject of legitimate concern for the City to use its zoning power to preserve the quality of life, preserve the City's neighborhoods and to meet effectively the increasing encroachments upon the quality of life within the City.

#### a. Location

No person, whether as principal or agent, clerk or employee, either for himself or any other person, or as an officer of any corporation, or otherwise, shall place, maintain, own or operate any adult bookstore, adult movie theater, adult nightclub, adult motel, or adult business, as defined in Section 614(d) in the following locations:

1. In any zoning district other than the GI heavy industrial.
2. Within seven hundred fifty (750) feet of any residentially zoned or used property, or any property designated on the City's Comprehensive Plan as residentially orientated.
3. Within seven hundred fifty (750) feet of any parcel of real property upon which is located any of the following facilities:
  - (a) A children's daycare, nursery school, preschool, elementary school, junior high school, senior high school.
  - (b) A religious institution which conducts religious programs.
  - (c) Park or recreational facilities operated and improved by the City, Buena Vista County, the Buena Vista County Conservation Board or the State of Iowa.
  - (d) Federal, State, County, City, or special district governmental offices.
  - (e) Supermarket or convenience store.
  - (f) Restaurant, fast food or food establishment catering to family trade.
4. Within seven hundred fifty (750) feet of any other adult entertainment facility.

#### b. Measurement of Distance

The distance between any two (2) adult entertainment facilities shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business. The distance between any adult entertainment facilities any religious institution, school or public park, governmental office, supermarket, restaurant or the property designated for residential use or used for residential purposes shall be measured in a straight line, without regard to intervening structures, from the closest property line of the adult entertainment facility to the closest property line of the religious, school, public park, government office, supermarket, restaurant or the property designated for residential use or used for residential purposes.

## SUPPLEMENTAL USE REGULATIONS

### c. Restrictions

All building openings, entries, windows, etc., shall be located, covered, or screened in such a manner to prevent a view into the interior from public or semipublic area; and for construction, and whenever else it seems feasible by the City, the building shall be orientated so as to minimize any possibility of viewing the interior from public or semipublic areas. Adult material advertisements, displays, or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks, or walkways, or from other areas, public or semipublic, in this case, “adult materials” shall be defined as material describing or depicting any specified sexual activity or “specified anatomical areas”, as defined in Section 614(d).

### d. Definitions

As used in this Section, the word “or” also means “and/or”; the words “used” or “occupied” include the words “intended, designed, or arranged to be” used or occupied; the word “lot” includes the words “plot or parcel” and all other words or phrases used to denote an individual site that complies with the minimum provisions of this title. For the purpose of this title, the following terms or words used herein shall be interpreted as follows:

1. **ADULT ARTIST, BODY PAINTING AND/OR BODY PIERCING STUDIO:** An establishment or business which provides the services of piercing, applying paint, or other substance whether transparent or nontransparent to or on the human body distinguished or characterized by an emphasis on “specified sexual activities” or “specified anatomical areas” (as defined in this section).
2. **ADULT BOOKSTORE:** An establishment having 25% or more in quantity of its stock in trade for sale or rent of books, magazines, videos, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” as defined in this section.
3. **ADULT CABARET:** Any place holding a liquor license or beer permit, or combination for consumption of beer or liquor, or both, on the premises wherein entertainment is characterized by emphasis on matters depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined in this section).
4. **ADULT ENTERTAINMENT ESTABLISHMENT:** Any other establishment not otherwise defined herein, but of the same general classification as the other establishments herein defined, having as a substantial or significant portion of its business the offering of entertainment, stocks in trade of materials, scenes or other presentations characterized by emphasis on depiction or description of “specified sexual activities” or “specified anatomical areas” (as defined in this section).
5. **ADULT MASSAGE PARLOR:** Any place of business wherein any method of pressure on or friction against, or rubbing, stroking, kneading, tapping, pounding or vibrating the external parts of the body with the hand or any body parts, or by a mechanical or electrical instrument, under such circumstances that it is reasonably expected that the individual to whom the treatment is provided or some third person on his or her behalf will pay money or give other consideration or gratuity therefore, wherein the

## SUPPLEMENTAL USE REGULATIONS

massage is distinguished or characterized by an emphasis on “specified sexual activities”, or involving “specified anatomical areas” (as defined in the section).

6. **ADULT MINI-MOTION PICTURE THEATER:** An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or specified anatomical areas” (as defined in this section), for observation by patrons therein.
7. **ADULT MOTION PICTURE THEATER:** An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas” (as defined in this section), for observation by patrons therein.
8. **ADULT ORIENTED BUSINESSES:** Any of the types of businesses further defined in this subsection which include the modifying word “Adult”.
9. **ADULT NOVELTY STORE:** any commercial establishment having 25% or more in quantity of its stock in trade for sale instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”, as defined in this section excluding condoms and other birth control and disease prevention products.
10. **ADULT THEATER:** A motion picture theater or stage show theater or combination thereof used for presenting materials distinguished or characterized by an emphasis on matters depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” (as defined in this section) for observation by patrons therein.
11. **MASSAGE:** Any method of treating the external parts of the human body by rubbing, kneading, tapping or vibrating with the hand or any instrument for any form of consideration or gratuity.
12. **MASSAGE ESTABLISHMENT:** Any establishment having a fixed place of business where massage is administered for any form of consideration or gratuity, including, but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include:
  - (a) Persons licensed in the State of Iowa under the provisions of Chapters 148, 148A, 151, 152, 157 or 158 of the Iowa Code, when performing massage, massage therapy or massage services as part of the profession or trade for which licensed;
  - (b) Persons performing massage therapy or massage services under the direction of a person licensed as described in subsection (a) of this definition;
  - (c) Persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician;
  - (d) Nurses aids, technicians and attendants at any hospital or healthcare facility licensed pursuant to Chapter 135B, 135C, or 145A of the Iowa Code, in the

## SUPPLEMENTAL USE REGULATIONS

course of their employment and under the supervision of the administrator thereof or of a person licensed as described in subsection (a) of this definition;

- (e) An athletic coach or trainer in any accredited public or private secondary school, junior college, college or university, or employed by professional or semiprofessional athletic team or organization, in the course of his or her employment as such coach or trainer.
13. NIGHTCLUB: Any place of business located within any building or establishment, operated for the purpose of supplying any, or all of the following; entertainment, music, meals, refreshments, or dance floor, and serving beer, wine or liquor for consumption on the premises.
  14. SPECIFIED ANATOMICAL AREAS: Less than completely and opaquely covered human genitals, mature human buttocks, and mature human female breasts below a point immediately above the top of the areola; and human male genitals in a discernible turgid state, even if completely and opaquely covered.
  15. SPECIFIED SEXUAL ACTIVITIES: Human genitals in a state of sexual stimulation or arousal, acts of human masturbation, sexual intercourse or sodomy, fondling or other touching of human genitals, pubic region, buttock, or female breast, minors engaged in a prohibited sexual act or simulation of a prohibited sexual act.”

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

# 7 ARTICLE SEVEN – SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

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### 701 Purpose

The Supplemental Site Development Regulations recognize the existence of special conditions that cannot comply literally with the site development regulations set out for each zoning district. Therefore, these regulations qualify or modify the district regulations of this title and provide for specific areas of exception.

### 702 Setback Adjustments

#### a. Exceptions to Openness of Required Yards

Every part of a required yard shall be open and unobstructed from finished grade upward, except as specified herein.

1. Architectural projections, including roofs, which cover porches, enclosed porches; windowsills, belt courses, cornices, eaves, flues and chimneys, and ornamental features may project three feet into a required yard.
2. Terraces, patios, uncovered decks, and ornamental features, which have no structural element more than four feet above or below the adjacent ground level, may project ten feet into a required yard. However, all such projections must be set back at least three feet from an adjacent side lot line. Ramps or other accommodations for disabled people may project into required yards.
3. Fire escapes, fireproof outside stairways, and balconies opening to fire towers may project a maximum of three feet into required yards, provided that they do not obstruct the light and ventilation of adjacent buildings.
4. For buildings constructed upon a front property line, a cornice may project into public right-of-way. Maximum projection is the smaller of four feet or five percent of the right-of-way width.
5. In commercial districts, a canopy may extend into a required front yard, provided that the canopy is set back at least five feet from the front property line, covers less than fifteen percent of the area of the required front yard, and has a vertical clearance of at least eight feet six inches.
6. Accessory buildings are subject to all site development regulations of its zoning district, except as provided below:

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

- (a) Side Yards: An accessory building may be located a minimum of five feet from the side lot line of the property if it is located between the rear building line of the principal building and the rear property line.
- (b) Front Yards: No accessory building may be located between the front building line of the principal building and the front property line.
- (c) Rear Yard: The minimum rear yard setback for accessory buildings shall be five feet. This minimum rear yard setback shall be increased to 15 feet if the accessory building requires vehicular access from an alley. Double-frontage lots shall require front-yard setbacks along both street frontages as set forth in Table 4-3a and 4-3b. Easements may be incorporated into these required setbacks. No accessory building shall be located within any easement or right-of-way along the rear property line.
- (d) Street Yards: No accessory building shall be located within a required front yard or street side yard.
- (e) Maximum Size: With the exception of detached garages, no accessory building shall exceed 144 square feet, or 1.5% of the total lot area, whichever is larger, within a residential district. The maximum size of a detached garage for a single-family detached, single-family attached, or duplex residential uses shall not exceed the larger of 600 square feet, or 25% of the building coverage of the main residential structure. For the purpose of this section, a detached garage is a structure separate from the main residential building(s) used principally for the storage of one or more motor vehicles. All buildings on a site, taken together, must comply with the building coverage requirements for the zoning district.
- (f) Height: The maximum height for accessory buildings shall be:
  - 15 feet in residential districts
  - 24 feet in commercial and industrial districts
  - 15 feet in RES districts when the principal use is residential
- (g) Separation from Other Buildings: No accessory building shall be placed within five feet of any other building on its own property or any adjacent properties.
- (h) Attached Accessory Buildings: Any accessory building physically attached to the principal building shall be considered part of the principal building and subject to the development regulations of its zoning district.
- (i) Effect on Adjacent Properties: If an adjacent lot is built upon, the accessory building must be entirely to the rear of the front building line of any principal building on such adjacent lot.
- (j) No accessory building shall be built upon any lot until construction of the principal building has begun.

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

7. Lamp posts with a maximum height of ten (10) feet, and flag poles up to maximum height of base district may be located within required yards, provided they are set back at least five (5) feet from property lines.

### b. Setback Adjustments

1. Setbacks on Built-Up Block faces: These provisions apply if forty percent or more of the buildings on that block face have front yard setbacks different from those required for the specific district.
  - (a) If a building is to be built on a parcel of land within 100 feet of existing buildings on both sides, the minimum front yard shall be the mean setbacks of the adjacent buildings.
  - (b) If a building is to be built on a parcel of land within 100 feet of an existing building on one side only, the minimum front yard shall be the setback of the adjacent building.
  - (c) If a building is to be built on a parcel of land not within 100 feet of an existing building on either side, then the minimum front yard shall be the mean setback of all existing buildings on the block face.
  - (d) No setback adjustment pursuant to this section shall create a required front yard setback more than five feet greater than that otherwise required by the applicable zoning district.
2. Corner Lots: Required setbacks shall not reduce the buildable width of any corner lot to less than 24 feet. Appropriate setback adjustments shall be allowed to maintain this minimum width.

### c. Rear Yard Exceptions - Residential Uses

When an irregular lot is used for residential purposes, the rear yard may be measured as the average horizontal distance between the building and rear lot line, provided that the minimum setback shall not be less than sixty percent (60%) of the rear yard required by the zoning district.

### d. Double Frontage Lots

Residentially zoned double frontage lots on a major street, and with no access to that street may have a 25-foot minimum front yard setback along said street. All other double frontage lots must provide full front yard setbacks from each adjacent street.

### e. Satellite Antennas

1. Antennas with a surface area over eight square feet which are accessory to a primary use and are designed to receive and transmit electromagnetic signals, or to receive signals from satellites, shall not be located within any front yard of the primary use, unless it is not possible to gain reception in other portions of the lot, in accordance with FCC rules.

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

2. Such antennas shall be located no less than five feet from the property line of an adjacent property within a residential zoning district.

f. Vision Clearance Zones

No structure, including a fence, shall be built to a height of more than three feet above the established curb grade on the part of the lot bounded by the street lines of the streets which intersect and a line connecting a point on each of such lines thirty feet from their point of intersection. No landscaping shall be planted in such area, which will materially obstruct the view of drivers approaching the street intersection.

### 703 Height Exceptions

These provisions allow exceptions to the height limit of any zoning district in certain situations.

a. Vertical Projections

Chimneys, cooling towers, building mechanical equipment, elevator bulkheads, fire towers, grain elevators, non-parabolic receiving antennas, tanks, solariums, steeples, penthouses not exceeding 25 percent of total roof area, flag poles, stage towers or scenery lofts, and water towers may be built to any height in accordance with existing and future ordinances. Such structures shall not extend into the approach zones, clear zones, or other restricted air space required for the protection of any public airport.

b. Amateur Radio Towers and Federal Communication Commission Pronouncements

1. Radio towers, antennas and other appurtenances operated by licensed amateur radio operators, where permitted and when, may not exceed 75 feet in height. This height has been determined by the City to reasonably accommodate amateur service communications, and further represents the minimum practicable regulation to accomplish legitimate municipal land use regulation purpose, as recognized under published guidelines of the Federal Communications Commission.
2. Special instances may require that amateur radio tower heights exceed 75 feet to achieve effective and reliable communications. In such cases, the Board of Adjustment may grant a Conditional Use Permit to a licensed amateur radio operator for a specific tower height that exceeds 75 feet. In determining whether to grant such permission, the Board of Adjustment shall consider the federal guidelines contained in PRB-1 (Amateur Radio Preemption, 101 FCC 2d (1985); codified at C.F.R. Section 97.15(e).
3. The setback of such radio towers from any adjacent property line shall equal to the height of the tower.

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

### c. Broadcast Towers

Broadcast towers, when operated by a federally licensed commercial or non-profit organization, may be built to any height in accordance with existing and future ordinances. This exception does not apply to radio towers, antennas and other appurtenances operated by licensed amateur radio operators.

### d. Wind Energy Conservation Systems (WECS)

1. The distance from all lot lines or any building or power line to any tower support base of a WECS shall be equal to the sum of the tower height and the diameter of the rotor. A reduction of this requirement may be granted as part of a Conditional Use Permit approval if the Board of Adjustment finds that the reduction is consistent with public health, safety, and welfare.
2. The distance between the tower support bases of any two WECS shall be the minimum of five rotor lengths, determined by the size of the largest rotor. A reduction of this requirement may be granted as part of a Conditional Use Permit approval if the Board of Adjustment finds that the reduction does not impede the operation of either WECS.
3. The WECS operation shall not interfere with radio, television, computer, or other electronic operations on adjacent properties.
4. A fence six feet high with a locking gate shall be placed around any WECS tower base; or the tower climbing apparatus shall begin no lower than twelve feet above ground.
5. The WECS is exempt from the height restrictions of the base district.

### e. Height Exceptions for Conditional Uses

The Board of Adjustment may grant an exception from the height limit for a zoning district for a conditional use, as part of its approval of that use. The limit or extent of this exception shall be a specific part of the conditional use permit.

### f. Federal Aviation Administration Rules

No structure may be built in any zoning district, which exceeds the maximum height permitted under the rules of the Federal Aviation Administration. These rules describe the glide angles and operational patterns for any airport within the planning jurisdiction of the City of Storm Lake.

## 704 Fence Regulations

### a. Location Restriction

Unless otherwise provided by this title or other sections of the Storm Lake Municipal Code, no fence shall be built on any lot or tract outside the surveyed lot lines.

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

b. Required Openings

Unless otherwise provided by this title or other sections of the Storm Lake Municipal Code, any fence built on residential property within required front or street side yards shall contain openings constituting no less than 50 percent of the surface area of the fence.

c. Sight Obstruction

No solid fence permitted or required by this title or other sections of the Storm Lake Municipal Code shall be built within a triangle formed by the adjacent side lines of two intersecting streets and a line connecting points 30 feet on each leg from their point of intersection; or otherwise in any manner create a traffic hazard or obstruction to visibility.

d. Facing

The finished surfaces of any fence shall face toward adjacent properties and street frontage.

e. Residential Fences

Fences constructed within residential districts or on land used for residential purposes are subject to the following provisions.

1. **Height:** The maximum height of a fence within a required front yard or street side yard setback shall be four feet. The maximum height for any fence outside of a required front yard shall be seven feet.
2. **Exception for Street Side Yards:** On corner lots, a fence built parallel to the street side yard line but set back in conformance with the required street yard setback may have a maximum height of six feet.
3. **Exception to Openness Requirement:** Fences built on residential property outside of required front or street side yards may exceed 50 percent closed construction.
4. **Exception for Front Yards of Double Frontage Lots:** A fence built within the required front yard of a double frontage lot may be a maximum of six feet in height and may exceed 50 percent closed construction if such lot fronts an arterial street as defined in the Comprehensive Plan of the City of Storm Lake; and if such frontage does not provide primary access to the property.
5. **Materials:** Fences shall be constructed of wood, chain-link, PVC/ resin, stone or masonry materials only. Wood fences shall utilize standard building lumber only. Barbed wire and/or electrified fences are not permitted, and are defined as any fence that includes in its material barbs, blades, razors, electric current or other features specifically designed to injure or abrade an individual or animal who attempts to negotiate the fence.

f. Civic, Office, Commercial, and Industrial Fences

Fences constructed in commercial and industrial districts are subject to the following special provisions:

## SUPPLEMENTAL SITE DEVELOPMENT REGULATIONS

1. The maximum height of a fence for any permitted use in a commercial district shall be four feet in a required front yard, and seven feet elsewhere.
2. The maximum height of a fence for any permitted use in an industrial district shall be eight feet.
3. Civic Uses in Residential Districts: The maximum height of fences installed as part of Primary and Secondary Educational Facilities or Park and Recreation Use Types within Residential Zoning Districts shall be the same as those for residential uses.
4. The Board of Adjustment may approve greater fence heights on a case-by-case basis if it concludes that such permission furthers the health, safety, and welfare of the residents of the City of Storm Lake. Such considerations shall be processed through the variance process.
5. Barbed wire shall not be used in the construction of any fence for in a commercial district or in an IR Industrial Reuse Overlay District. Barbed wire may be used in the construction of fencing in an industrial district provided that the bottom strand of the wire shall be at least six feet above ground level. Electrified fences are not permitted within the jurisdiction of the City of Storm Lake.

### 705 Appeals

Denial, revocations, or cancellations of a building permit based on the provisions of this Section may be appealed to the Board of Adjustment, as set forth in Sections 1208 through 1210.

## LANDSCAPING AND SCREENING STANDARDS

# 8

## ARTICLE EIGHT – LANDSCAPING AND SCREENING STANDARDS

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### 801 Purpose

The Landscaping and Screening Regulations provide additional guidance on the development of sites within Storm Lake by addressing landscaping and screening requirements. They are designed to improve the appearance of the community; buffer potentially incompatible land uses from one another; and conserve the value of properties within the City of Storm Lake.

### 802 Applicability

The provisions of this section shall apply to all new development on each lot or site upon application for a building permit or change in use that requires a rezoning application or site plan review, except for the following:

- a. Reconstruction or replacement of a lawfully existing use or structure following a casualty loss.
- b. Remodeling, rehabilitation, or improvements to existing uses or structures which do not substantially change the location of structures, parking, or other site improvements.
- c. Additions or enlargements of existing uses or structures which increase floor area or impervious coverage area by less than 20 percent. Where such additions or enlargements are 20 percent or greater, these provisions shall apply only to that portion where the new development occurs.

### 803 Landscaping Requirements

Landscaping shall be required adjacent to each street property line and within street yards a distance of 5 feet from any street side property line. In the CBD landscaping may be substituted with hardscape.

### 804 Landscaping Materials and Installation Standards

#### a. Use of Inorganic Landscaping Materials

No artificial trees, shrubs, plants or turf shall be used to fulfill the minimum requirements for landscaping. Inorganic materials, such as stone or decorative pavers, may be used provided that such material does not comprise more than 35% of the minimum required

## LANDSCAPING AND SCREENING STANDARDS

landscaped area. Other concrete and/or asphalt pavement surfaces may not be used within the minimum required landscaped area, except for walkways less than 5 feet in width.

### 805 Buffer Yard Provisions

These provisions apply when a use is established in a more intensive zoning district (District A) which is adjacent to a less intensive zoning district (District B). The owner, developer, or operator of the use within District A shall install and maintain a landscaped buffer yard on his/her lot or site, as set forth in this section. Buffer yard requirements apply only to those districts indicated in Table 8-1. Buffer yards are not required of single-family, 2-family, duplex, or townhouse use types in the more intensive zoning district.

- a. The buffer yard dimensions set forth in Table 8-1 apply to zoning districts, which share a common lot line or are adjacent but separated by an intervening alley.

**Table 8-1: Buffer Yard Requirements (in feet)**

	District B (Less Intensive Adjacent District)			
District A (More Intensive District) Note 3	RES (Note 1)	R-1 (Note 1)	R-2 (Note 1)	R-3, R-4 (Note 1)
R-4, IN 1, 2, 3	20	20	10	---
LC	10, 20RY	10, 20RY	10, 20RY	10, 20RY
CC	10, 20RY	10, 20RY	10, 20RY	10, 20RY
CBD	10, 20RY	10, 20RY	10, 20RY	10, 20RY
LI	30	30	30	30
GI	40	40	40	30

**Notes to Table 8-1:**

**Note 1:** Applies to residential uses previously established in the zoning district.

**Note 2:** Vertical screening only is required as set forth in Section 806.

**Note 3:** Buffer requirements do not apply to single-family, duplex, or townhouse residential uses established in District A

## LANDSCAPING AND SCREENING STANDARDS

- b. When a street separates adjacent zoning districts requiring a buffer yard, the size of the buffer yard shall be one-half the required buffer yard set forth in Table 8-1.
- c. Each required buffer yard must be entirely landscaped.

### 806 Screening Standards

#### a. Application

Screening is required between adjacent zoning districts indicated in Table 8-1 when one or more of the following conditions in the more intensive zoning district is directly visible from and faces toward the boundary of the less intensive zoning district.

1. The rear elevation of buildings.
2. Outdoors storage areas or storage tanks, unless otherwise screened.
3. Loading docks refuse collection points, and other service areas.
4. Major machinery or areas housing a manufacturing process.
5. Major on-site traffic circulation areas or truck and/or trailer parking.
6. Sources of glare, noise, or other environmental effects.

#### b. Opaque Barrier

A six-foot opaque barrier shall be provided which visually screens the conditions listed in Section 806(a) from less intensive uses as follows:

1. A solid wood and/or masonry fence or wall at least six feet in height.
2. A landscaping screen, using evergreen or deciduous materials, capable of providing a substantially opaque, hedge-like barrier and attaining a minimum height of six feet within three years of planting. Note: All planting materials shall conform to the minimum caliper/size requirements set in Section 807.
3. A landscaped earth berm with a maximum slope of three to one, rising no less than six feet above the existing grade of the lot line separating the zoning districts.
4. Any combination of these methods that achieves a cumulative height of six feet.

#### c. Location of Screening Wall

A screening wall or fence shall be installed no closer to the less intensive zoning district than one-half the width of the required buffer yard.

## LANDSCAPING AND SCREENING STANDARDS

d. Screening: Effect on Drainage

Screening shall not adversely affect surface water drainage.

e. Permitted Interruptions of Screening

Screening may be interrupted to provide pedestrian (sidewalk) or bike (trail) connections or access drives to service areas or for loading purposes to buildings. Such breaks or interruptions shall not exceed 20% of the length of the required screened area.

### 807 Tree Plantings

In any landscaped area for commercial uses only required by the Minimum Depth Requirements, the Buffer yard Requirements, or the Parking Lot Interior Landscaping Requirements (see Article 906 c), one tree of an approved species with a minimum caliper size of two inches shall be planted and maintained for each 500 square feet of required landscaped area. Existing trees approved for preservation shall be counted toward satisfaction of this requirement.

### 808 General Provisions

a. Time of Application

The provisions contained in this Article shall be applied for each individual lot or site when an application for a rezoning, site plan approval, conditional use permit, or building permit on such lot is made. For commercial, institutional, and multi-family development projects, landscape plans shall be prepared and signed by a licensed landscape architect.

b. Maintenance of Required Landscaping

Upon installation of required landscape materials, each owner shall take appropriate actions to ensure their continued health and maintenance. Required landscaping that does not remain healthy shall be replaced consistent with this Article.

c. Obstruction of View

Landscaping or screening installed in any landscaped area shall not obstruct the view from or to any driveway approach, street, alley, or sidewalk.

d. Earth Berm Locations

All earth berm locations shall be reviewed by the Infrastructure and Public Facilities Director, or his/her designee to determine how the berms shall relate to drainage and public utilities.

## LANDSCAPING AND SCREENING STANDARDS

e. Exceptions

A development may continue to comply with the buffer yard and screening requirements in effect at the time of issuance of its original permit, regardless of whether an adjacent lot or site is subsequently rezoned to a less intensive district which would otherwise require compliance with buffer yard or screening provisions.

## OFF-STREET PARKING

# 9 ARTICLE NINE – OFF-STREET PARKING

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### 901 Purpose

The Off-Street Parking Regulations require that developments provide parking in proportion to the need created by each use. The regulations further establish standards for the functional design of parking facilities. These regulations are intended to accommodate vehicles in a functionally satisfactory manner and to minimize external effects on neighboring properties.

### 902 General Applications

a. Applicability

Off-street parking shall be provided for any new building constructed; for new uses or conversions of existing buildings; or for enlargements of existing structures.

b. Exemptions

Any use within the CBD Central Business District is exempt from the off-street parking requirements provided by Section 903. Any off-street parking facility constructed in the CBD District after the effective date of this Ordinance must comply with the design standards set forth in this Article.

### 903 Schedule of Off-Street Parking Requirements

Parking facilities for each use shall be provided in accord with the minimum requirements set forth in Table 9-1.

a. Computation

1. When a computation of required parking results in a fraction of 0.5 or greater, the requirement should be rounded up to the next whole number.
2. Unless otherwise indicated, parking requirements are based on gross floor area. Gross floor areas for the purpose of this calculation exclude any interior space used for the parking or loading of vehicles.
3. When parking requirements are computed on the basis of capacity, capacity shall be determined by the building code in effect for the City of Storm Lake at the time the use is established.

## OFF-STREET PARKING

### b. Multiple Use Sites and Adjustments

1. For sites with more than one use, the parking requirement shall be the sum of spaces required for each use at their peak period of demand, except as provided below.
2. The Zoning Administrator may authorize an adjustment in the total parking requirement for separate uses located on the same site or for separate uses located on adjoining sites and served by the same parking facility. The Zoning Administrator shall consider at least the following criteria in determining approval of such an adjustment:
  - (a) The characteristics and time of operation of each use, and differences in projected peak parking demand.
  - (b) Potential reduction in total expected vehicle movements afforded by multiple uses of the parking facilities.
  - (c) Functional designs of the development and its parking facilities.
  - (d) Demonstrated ability to locate additional parking on the site to accommodate total parking requirements (proof of parking).
  - (e) Evidence of a written agreement and cross access easement that provides for the joint use and ongoing maintenance of parking facilities. Such agreement shall be entered into by all property owners involved and recorded with the Buena Vista County Recorder against all properties named in the agreement and a copy filed with the City Clerk.

## 904 Parking Facility Location

### a. Residential Parking

1. Off-street parking for residential uses shall be located on the same lot or site as the use.
2. With the exception of tuck-under garages or enclosed parking areas, off-street parking areas for any multi-family residential use shall be at least six feet from any main building; and shall not be located within a required front yard or street side yard.

### b. Non-Residential Parking

Off-street parking for non-residential uses shall be located on the same lot or site as the use.

## OFF-STREET PARKING

**TABLE 9-1: Minimum Off-Street Parking Requirements**

Use Type	Parking Standard
<b>Residential</b>	
Single Family	2 spaces per unit
Duplex	2 spaces per unit
Two-Family	2 spaces per unit
Multi-Family	1.5 spaces per efficiency, studio, or 1 bedroom unit 2 spaces per unit for units with 2 or more bedrooms
Senior	1 space per unit
Assisted Living	1/3 (one-third) space per unit
Mobile Home	2 spaces per unit
<b>Civic Uses</b>	
Assembly – Churches, Public meeting halls, Auditoriums, Gymnasiums	1 space per 4 person capacity
Cemetery	N/A
Colleges and Universities	1 space per 2 full time students
Day Care	1 space per 5 students + 1 space per employee for largest shift
Health Care – Clinic/Medical Office/Dental/Other health care	1 space per 300 SF + 1 space per employee for largest shift
Health Care – Overnight Hospital	1 space per 2 beds
Parks	N/A
Post Office	1 space per 500 sq. ft.
Primary School	1 space for each classroom or office room + as required for Auditorium/Gymnasium space
Public Safety	1 space per employee of maximum shift + 1 space per 1,000 SF
Public Works / Utilities	1 space per employee of maximum shift
Secondary School	1 space per employee for largest shift + 1/3 (one third) space for every 11 <sup>th</sup> and 12 <sup>th</sup> grade student
<b>Commercial</b>	
Auto Rental	1 space per rental car + 1 space per employee of maximum shift + 1 space per 200 SF of Indoor Customer Service Area
Auto Repair*	5 spaces per repair/service stall
Auto Sales	1 space per car for sale + 1 space per employee of maximum shift + 1 space per 500 SF of Indoor Customer Service Area
Bar, Cocktail Lounge, Tavern, Night Club, Other On-Site Drinking Establishment	1 space per 2 person capacity

## OFF-STREET PARKING

Use Type	Parking Standard
Bank	1 space per 200 SF
Campground	1 space per camping unit
Cinema/Live Theater	1 space per 3 person capacity
Hotel, Motel, other temporary lodging	1 space per rental room/suite + 1 space per employee for largest shift
Retail	1 space per 250 SF
Restaurants – Dine-in	1 space per 3 person capacity in dining area
Restaurants – Drive through/pick up	1 space per 50 SF of Indoor Customer Service Area
Services – Barber, Salon, Spa, Animal Grooming, Financial, Insurance, etc.	1 space per 500 SF
Stables, Kennels	1 space per employee for largest shift + 1 stall per 5,000 SF of site area
Veterinary Services	1 space per 500 SF
<b>Office</b>	
Administrative, Business, Call Center, or Professional	1 space per 300 SF
<b>Industrial</b>	
Agricultural Industry*	1 space per employee of largest shift + 1 space per vehicle stored on site
Manufacturing	1 space per 1,000 SF
Mining/Resource Extraction	1 space per employee of largest shift + 1 space per vehicle stored on site
Outdoor Storage, Salvage Yards, Construction Yards*	1 space per employee of largest shift + 1 space per vehicle stored on site
Railroad Facilities	1 space per employee of largest shift + 1 space per vehicle stored on site
Warehousing, Indoor Storage, Data Storage*	1 space per 1,000 SF up to 10,000 SF 1 space per 2,000 SF for additional SF above 10,000 SF

\*See regulations for outdoor storage and vehicle storage within Article 6: Supplemental Use Regulations.

### 905 Parking for People with Disabilities

Each off-street parking facility shall provide the number of parking spaces set forth in Table 9-2 designed and designated for use by people with disabilities. Parking spaces shall be van-accessible. Design criteria and dimensions are set forth in the Off-Street Parking Design Standards and the requirements of the Americans with Disabilities Act. Parking facilities for single-family, duplex, two-family, and mobile home residential uses are exempt from this requirement.

## OFF-STREET PARKING

**Table 9-2: Required Off-Street Parking Spaces**

<u>Required Minimum Number of Total Parking Spaces in Lot</u>	<u>Handicapped Parking Spaces</u>
10 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	*
1,001 and over	**

\* 2 percent of total

\*\* 20 spaces plus 1 for each 100 over 1,000

NOTE: Projects, which are required to comply with the Uniform Federal Accessibility Standards, shall provide a minimum of one handicapped parking space.

**Van Accessible Stalls:** One in every eight accessible spaces, but not less than one, shall be served by an access aisle with a minimum width of 96 inches and shall be designated as “Van Accessible.”

### 906 Off-Street Parking Design Standards

a. Dimensions

1. Standard Parking spaces shall be designed in conformance with the following: parking stalls shall have a minimum paved dimension of nine feet by 18 feet. Stall and aisle dimensions shall be as noted below for the given angle:

Angle	Curb Length	Stall Length	Aisle Width
45 degree	12.0'	18.0'	15'
60 degree	10.0'	18.0'	18.5'*
90 degree	9'	18.0'	26'
Parallel	20.0'	8.0'	22'

\*one way aisles.

## OFF-STREET PARKING

2. Parking facilities may provide up to 40% of their total 90 degree angle stalls as designated compact stalls. Compact parking stalls at 90 degree angles shall be a minimum of 8.5 feet wide and 16 feet long.
  3. Spaces designated for the handicapped shall have a minimum width in accordance with the State of Iowa Accessibility Code. Each accessible space shall provide a barrier free route to an accessible building entrance, which shall not require users to walk or wheel behind parked cars. Such spaces shall be designated with an upright sign exhibiting the universal symbol for accessibility by the handicapped. All such spaces shall be designed in compliance with the State of Iowa Accessibility Code.
- b. Pavement and Drainage
1. Required off-street parking facilities shall be hard surfaced with either asphalt or concrete. Alternative pavement materials consistent with the city's stormwater management policies that promote improved water quality may be substituted with approval from the City's Infrastructure and Public Facilities Director.
  2. Off-street parking facilities shall be designed and built to prevent the free flow of water onto adjacent properties or public rights-of-way.
  3. A plan review of proposed parking facilities must be performed by City Staff, prior to development of the parking lot. The design of the parking lot shall, to the maximum extent possible, retain or absorb the first ½" of rainfall on the hard surfaced area of the parking area.
- c. Landscape and Screening Requirements
- Unless otherwise noted, each unenclosed parking facility of over 3,000 square feet shall comply with the following regulations:
1. Each unenclosed parking facility shall provide a minimum landscaped buffer of ten feet along any street property line.
  2. Each parking facility that abuts a residential district shall provide a ten foot landscaped buffer along its common property line with the residential district.
  3. Any parking facility which abuts property in a residential district shall provide a fence, wall, landscape screen, or earth berm not less than four feet in height for the length of the common boundary. A grade change, terrace, or other site feature which blocks the sight line of headlights into a residential property may satisfy this requirement, subject to the determination of the Zoning Administrator.
  4. Each unenclosed parking facility of over 4,500 square feet within a street yard shall provide interior landscaped area equal to no less than 5 percent of the total paved area of the parking facility. Parking facilities within the GI District shall be exempt from this requirement.

## OFF-STREET PARKING

5. Interior landscaping shall be credited toward the satisfaction of overall landscaping requirements set forth in Article 8.
- d. Entrances and Exits
1. Adequate access to each parking facility shall be provided by means of clearly defined and limited driveways or access points as required by the City Infrastructure and Public Facilities Director. Such driveways shall be designed to direct non-residential traffic away from residential areas.
  2. Parking facilities other than driveways for single-family or duplex uses must permit vehicles to enter streets in a forward position.
- e. Safety Features
1. Parking facilities shall be designed to provide visibility of and between pedestrians and vehicles when circulating within or entering or leaving it; and shall not create blind, hidden, or hazardous areas.
  2. Circulation patterns shall be designed in accord with accepted standards of traffic engineering and safety.
- f. Lighting
- Any lighting used to illuminate any off-street parking area shall be arranged to direct light away from adjoining properties in any residential district and shall be downward cast or full cutoff fixture types.
- g. Maintenance
- All parking facilities shall be maintained to assure the continued usefulness and compatibility of the facility, and providing proper care of landscaped areas.
- h. Adjustment
- For uses subject to Conditional Use Permit approval, the Board of Adjustment may adjust the minimum requirements of this section, in order to provide design, usability, attractiveness, or protection to adjoining uses in a manner equal to or greater than the minimum requirements of this Article.

## 907 Off-Street Loading

- a. Loading Requirement
- Any use, which involves the receipt or distribution of freight, merchandise, supplies, vehicles, or equipment as part of its typical operation shall provide and maintain adequate space for off-street loading and circulation. Loading areas shall be designed to avoid undue interference with the public use of streets and sidewalks.

## OFF-STREET PARKING

b. Schedule of Loading Spaces

Loading spaces for each use requiring them shall be provided in accord with the minimum requirements set forth in Table 9-3.

**TABLE 9-3: Off-Street Loading Requirements**

Gross Floor Area of Use (square feet)	Number of Required Loading Spaces
5,000 or less	None
5,001 – 25,000	1
25,001 – 75,000	2
Larger than 75,001	3

c. Design Standards

1. Each loading space shall be at least 10 feet wide by 50 feet long, with a vertical clearance of at least 14 feet.
2. Paving of loading spaces and access areas shall be permanent, durable, and free of dust.
3. Off-street loading areas are subject to the landscaping and buffering requirements for parking facilities set forth in this Article.

## 908 Parking for Personal and Recreational Vehicles

a. Applicability

This section permits the parking of personal vehicles having a properly issued current motor vehicle registration and current motor vehicle license plate and recreational vehicles on a single lot in a residential district subject to specific conditions. Personal vehicles include: passenger cars; vans; pick-up trucks; camper shells, toppers, and other similar appurtenances intended for attachment to a personal vehicle; trailers and boats. Trucks, tractor cab units, trailers and vehicles over ten tons gross empty weight shall be defined as heavy commercial vehicles.

b. Location of Parking

1. Parking is permitted within any enclosed structure when such structure conforms to the regulations of its zoning district.
2. Parking of personal vehicles is permitted on a paved driveway (outside of an enclosed structure) within the front yard setback, but shall in no case encroach upon the public right-of-way.

## OFF-STREET PARKING

3. Parking of personal vehicles may occur in the rear yard setback.
  4. Heavy commercial vehicles, including tractor cab units weighing more than 10 tons gross empty weight, shall not be parked on any lot within the R-1, R-2, R-3, and R-4 residential zoning districts, except as provided below.
- c. Special Provisions for Recreational Vehicles and Boats

Where permitted, parking and storage of recreational vehicles and boats is subject to the following additional conditions:

1. Recreational vehicles and boats must be maintained in a clean, well-kept state.
2. Recreational vehicles and boats may not be permanently connected to utility lines.
3. Recreational vehicles and boats may not be used for the storage of goods, materials, or equipment other than those items that pertain to the use of the vehicle.

### 909 **Supplementary Regulations: Storage and Parking of Vehicles, Boats, Campers and Trailers**

- a. Storage of Unlicensed Motor Vehicles

The storage or keeping of motor vehicles not having a properly issued current motor vehicle registration and current motor vehicle license plate properly displayed is prohibited on any lot, parcel or tract of land or part thereof, situated within the zoning jurisdiction of the City of Storm Lake; provided that conformance with the following shall not constitute a violation of this section:

1. The storage of any unlicensed and/or unregistered motor vehicle in a fully enclosed garage.
2. The storage of operable off-highway farm or industrial vehicles on tracts zoned RES Reserve or LI or GI industrial uses, and used in agricultural or industrial activity conducted on the premises.

## SIGN REGULATIONS

# 10 ARTICLE TEN – SIGN REGULATIONS

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### 1001 Purpose

The Sign Regulations provide standards for communicating information in the environment of the City of Storm Lake and its jurisdiction. The regulations recognize the need to protect public health, safety, and welfare; to maintain the city's attractive appearance; to provide for adequate business identification, advertising, and communication of information; and to encourage the fair enforcement of sign regulations.

### 1002 Definition of Terms

The following definitions shall be used for terms contained in this chapter that are not otherwise defined in the Storm Lake Municipal Code or in this Zoning Ordinance.

1. **Abandoned Sign:** A sign, including sign face and supporting structure, which refers to a discontinued business, profession, commodity, service, or other activity or use formerly occupying the site; or which contains no sign copy on all sign faces for a continuous period of six months.
2. **Attached Sign:** A sign, which is structurally connected to a building or depends upon that building for support.
3. **Auxiliary Design Elements:** Terms that describe secondary characteristics of a sign, including its method of illumination and other features within the bounds of its basic shape.
4. **Awning and Awning Sign:** A temporary or movable shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for a supporting framework. An awning sign is a message printed on such a shelter.
5. **Back-lit Sign:** A sign with an indirect source of light or light source located in the interior of the sign, which illuminates a sign by shining through a translucent surface.
6. **Banner:** Material with a printed message or graphic secured or mounted from a structure in such a way as to allow wind movement.
7. **Building Marker:** An historic or commemorative plaque, or a building name or cornerstone carved into a masonry surface.
8. **Business Center Identification Sign:** A sign that identifies a building or group of commercial buildings in single ownership or control, sharing parking and access.

## SIGN REGULATIONS

9. Canopy: A projecting non-movable structure cantilevered or suspended from a building, supported by the main structural members to which it is attached, and used only as a roof or fixed shelter.
10. Canopy Sign: A sign, which is attached or made an integral part of a canopy.
11. Clearance: The distance from the bottom of a sign face elevated above grade and the grade below.
12. Detached Sign: A sign, which is self-supporting and structurally independent from any building.
13. Directional Sign: A sign that serves only to designate the location or direction of any area or place.
14. Double-Faced Sign: A sign consisting of no more than two parallel faces supported by a single structure.
15. Frontage: The length of a property line of any one premises abutting and parallel to a public street, private way, or court.
16. Ground Sign: A detached on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance no greater than 3 feet.
17. Illumination: Lighting sources installed for the primary purpose of lighting a specific sign or group of signs.
18. Marquee: A permanent roofed structure attached to and supported by a building and extending over public right-of-way.
19. Maximum Permitted Sign Area: The maximum permitted combined area of all signs allowed on a specific property.
20. Monument Sign: An on-premise freestanding sign with the appearance of a solid base. The width of such base shall be at least 75 percent of the width of the sign.
21. Moving Sign: A sign, which conveys its message through rotating, changing, or animated elements.
22. Nonconforming Sign: A sign that was legally erected prior to the adoption of this chapter but which violates the regulations of this chapter.
23. Pole Sign: An on-premise sign built on a freestanding frame, mast, or pole(s) with a clearance greater than 3 feet, and where the support encompasses less than 75% of the width of the sign.
24. Portable Sign: Any sign supported by frames or posts rigidly attached to bases not permanently attached to the ground or a building and capable of being moved from place to place.

## SIGN REGULATIONS

25. Premise Identification Sign: Any sign which pertains to the use of a premises and which contains information about the owner or operator of that use; the type of business being conducted or the principal brand name of a commodity sold on the premises; and other information relative to the conduct of the use.
26. Premises: A tract of one or more lots or sites that are contiguous and under common ownership or control.
27. Projecting Signs: A sign other than a wall sign that is attached to and projects from a building face.
28. Residential Sign: A small detached or attached sign located on a residential premise, conveying a message communicated by the owner of the property.
29. Roof Sign: Any sign or part of sign erected upon, against, or directly above a roof or on top of or above the parapet or cornice of a building.
  - (a) Integral Roof Sign: A roof sign positioned between an eave line and the peak or highest point on a roof, substantially parallel to the face of a building.
  - (b) Above-Peak Roof Sign: A roof sign positioned above the peak of a roof or above a parapet or cornice.
30. Sign: A symbolic, visual device fixed upon a building, vehicle, structure, or parcel of land which is intended to convey information about a product, business, activity, place, person, institution, candidate, or political idea.
31. Sign Type: A functional description of the use of an individual sign. Includes owner identification, advertising, directional, electronic message, and temporary.
32. Street Facade: Any separate external face of a building, including parapet walls and omitted wall lines, oriented to and facing a public street, private way, or court. Separate faces oriented in the same direction or within 45 degrees of one another are considered part of the same street facade.
33. Temporary Signs: A sign, flag, banner, pennant, sandwich board, or valance constructed of lightweight materials which is not permanently attached to building or land, and which is intended for display for a limited period of time.
34. Wall Sign: A sign attached to and parallel with the side of a building.
35. Window Sign: A sign painted on or installed inside a window for the purpose of viewing from outside the premises.
36. Zone Lot: A parcel of land in single ownership that is large enough to meet the minimum zoning requirements of its zoning district and can provide such yards and other open spaces that are required by the site development regulations.

## SIGN REGULATIONS

### 1003 General Sign and Street Graphics Regulations

a. Compliance

Each sign or part of a sign erected within the zoning jurisdiction of the City of Storm Lake must comply with the provisions of this chapter and of other relevant provisions of the City of Storm Lake's Municipal Code.

b. Resolution of Conflicting Regulations

This chapter is not meant to repeal or interfere with enforcement of other sections of the City of Storm Lake's Municipal Code. In cases of conflicts between Code sections, State or Federal Regulations, the more restrictive regulations shall apply.

c. Prohibited Signs

The following signs are prohibited in all zoning districts.

1. Signs painted on or attached to rocks, trees, or other natural objects.
2. Signs or sign structures which resemble or conflict with traffic control signs or devices, which mislead or confuse persons traveling on public streets, or which create a traffic hazard.
3. Signs on public property or public right-of-way, unless specifically authorized by the Zoning Administrator.
4. Portable signs except as otherwise permitted by this Article and subject to a temporary permit.
5. Signs which create a safety hazard by obstructing the clear view of pedestrians or vehicles, or which obscure official signs or signals.
6. Abandoned signs. Any abandoned sign must be removed within 180 (one hundred eighty) days of date of abandonment.
7. Signs that are not clean or in substantial good repair, or are not affixed to a sound structure.
8. Signs advertising activities that are illegal under Federal, state, or local laws and regulations.

d. Exempt Signs

The following signs are permitted in any zoning district and are exempt from other provisions of this chapter.

1. Bulletin boards including electronic message centers for religious assembly or school uses, provided that they have a maximum sign area of 20 square feet and are not located in a required sign setback.

## SIGN REGULATIONS

2. One non-illuminated real estate sign per premises with a maximum size of six square feet per premises. Such signs shall have a maximum height of six feet and shall not be located on public right of way. Such signs shall be removed within 7 days of the disposition or buyer taking possession of the premises.
  3. Official signs authorized by a government or governmental subdivision that gives traffic, directional, or warning information.
  4. Seasonal decorations for display on private or public property.
  5. Non-illuminated construction signs with a total size of 100 square feet per premises. Such signs shall be removed within 7 days of the completion of construction.
  6. One temporary sign per zoned lot for grand openings or special events, provided that such sign remains in place for a maximum of seven days.
  7. Works of graphic art painted or applied to building walls, which contain no advertising or business identification messages and authorized by the Zoning Administrator.
  8. Non-illuminated political campaign signs on private property.
  9. Residential signs under 2 square feet in size.
  10. Neighborhood or subdivision identification signs under 50 square feet.
  11. Street numbers, house numbers or address numbers.
  12. Signs which are not visible from a public right-of-way, private way, or court or from a property other than that on which the sign is installed.
  13. Window signs in commercial and industrial zones.
- e. Temporary and Civic Signs
1. Temporary signs are permitted in Commercial and Industrial zoning districts, subject to the following requirements:
    - (a) The total size of such signs does not exceed 40 square feet.
    - (b) No more than two such signs are permitted at any single premises. Subject to maximum square footage.
    - (c) Temporary signs may be present at any single premises for a maximum of 14 consecutive days.
  2. Temporary signs for non-profit civic campaigns or events, or other non-commercial events are permitted in any zoning district and are exempt from other provisions of this Article, subject to the following requirements:

## SIGN REGULATIONS

- (a) The maximum size of such signs is 10 square feet when located in any residential, and LC Limited Commercial zoning district; and 40 square feet in any other zoning district.

f. Portable Signs

1. In no case shall a sign that was designed for or used as a portable type sign be converted for use as a permanent wall, pole or monument sign.
2. No portable sign is allowed to be flashing.
3. Maximum square footage of a portable sign is 32 square feet.
4. No portable sign is allowed on City Right of Way.
5. Portable signs shall be allowed by permit with only 5 permits allowed per year, per business at 2 weeks per occurrence.

g. Buffer Yards

No sign other than on-premise directional signs shall be placed within any buffer yard required by Article 8, Landscaping and Screening Regulations, except buffer yards adjacent to intervening streets.

h. Vision-Clearance Area

No sign may project into or be placed within a vision-clearance area defined by a triangle with legs of 20 feet from the point at which property lines meet the curbs or edges of two intersecting streets, private ways, or courts or an intersecting street, private way, or court and driveway (approach), meet.

### 1004 General Regulations: Basic Design Elements For On-premise Signs

a. Wall Signs and Graphics

Wall signs and graphics are subject to the following general regulations:

1. A wall sign shall not extend more than 30 inches from the wall to which it is attached.
2. A wall sign must be parallel to the wall to which it is attached.
3. A wall sign may not extend beyond the corner of the wall to which it is attached, except where attached to another wall sign, it may extend to provide for the attachment.
4. A wall sign may not extend beyond its building's roofline, or adjacent roofline whichever is higher.

## SIGN REGULATIONS

5. A wall sign attached to a building on its front property line may encroach upon public right-of-way by no more than 18 inches. Such a wall sign shall provide minimum clearance of eight feet, six inches.
6. For the purpose of calculating permitted sign areas pursuant to this chapter, signs painted on the walls of buildings shall be considered wall signs.
7. Where permitted, canopy signs are counted as wall signs when calculating total permitted sign area.

### b. Projecting Signs and Graphics

Projecting signs and graphics are subject to the following general regulations:

1. The maximum projection of any projecting sign shall be as follows:
  - (a) 3 feet over public sidewalks less than 12 feet wide;
  - (b) 5 feet over public sidewalks 12 feet wide or more, or over private property.
2. A projecting sign may be no closer than two feet from the vertical plane of the inside curb line.
3. Each projecting sign must maintain at least the following vertical clearances:
  - (a) 15 feet over parking lots;
  - (b) 18 feet over driveways.
4. No projecting sign extending three feet or more from a property line may be located within 10 feet of any other projecting sign extending three feet or more from a property line, or 5 feet from adjoining business frontage.
5. Projecting signs must minimize visible support structure and may not expose guy wires, cables, turnbuckles, angle iron, or other similar external support structure.
6. Projecting signs are not allowed in alleys.

### c. Pole Signs

Pole signs, where permitted, are subject to the following general regulations:

1. Each pole sign must maintain at least the following vertical clearances:
  - (a) 7 feet, 6 inches over private sidewalks;
  - (b) 10 feet if located within vision clearance area (Section 1003(h))
  - (c) 15 feet over parking lots;
  - (d) 18 feet over driveways

## SIGN REGULATIONS

2. Permitted pole signs may revolve at a rate not to exceed six revolutions per minute.

d. Roof Signs

Roof signs are subject to the following regulations:

1. Where permitted, integral roof signs may be used interchangeably with wall signs.
2. Integral roof signs may not exceed the permitted height for pole signs.
3. An integral roof sign must be mounted parallel to the wall of the building that it faces.

### 1005 General Regulations: Other Design Elements

a. Illumination

1. Lighting, when installed, must be positioned in such a manner that light is not directed onto an adjoining property or onto a public street or highway.

b. Marquees and Marquee Signs

1. Signs placed on, attached to, or constructed on a marquee are subject to the maximum projection and clearance regulations of projecting signs.

c. Banners

1. A banner sign projecting from a building may not exceed the wall height of the building.
2. Maximum size of a banner is 120 square feet.

d. Clocks

1. For the purposes of this chapter, clocks are not considered a moving sign.

### 1006 Method of Measurement for Regulators

a. Maximum Permitted Sign Area

Maximum permitted sign area for a premise is set forth as a numerical limit or as a function of the frontage of the premises on a street. For properties with frontage on more than one street, the total frontage shall be calculated as the total of all frontages.

## SIGN REGULATIONS

b. Sign Area

1. Sign area includes the entire area within the perimeter enclosing the extreme limits of the sign, including individual letters painted or applied, excluding any structure essential for support or service of the sign, or architectural elements of the building.
2. The area of double-faced signs is calculated on the largest face only.
3. The sign area for ground signs, monument signs, and architectural sign bands is calculated as the area enclosing the extreme limits of the letters, symbols, and images.

c. Height

The height of a sign is measured from the average grade level below the sign to the topmost point of the sign or sign structure.

d. Setback

The setback of a sign is measured from the property line to the supporting frame of the sign face, mast, pole or base of the sign; whichever is closest to the property line.

### 1007 Permitted Sign Types and Specific Regulations by Zoning Districts

The following tables set forth permitted sign types and regulations and design standards for signs and graphics for each zoning district.

**Table 10-1: Permitted Sign Types by Zoning District**

SIGN TYPES	RES	R-1	R-2	R-3	R-4	IN-1,2,3	PO	LC	CC	CBD	LI	GI
<b>DETACHED SIGNS</b>												
Residential	P	P	P	P	P	P		P	P			
Business Identification	P	P	P	P	P	P		P	P	P	P	P
Ground	P	P	P	P	P	P	P	P	P	P	P	P
Pole								P	P	P	P	P
Monument	P	P	P	P	P	P	P	P	P	P	P	P

## SIGN REGULATIONS

<b>SIGN TYPES</b>	<b>RES</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3</b>	<b>R-4</b>	<b>IN- 1,2,3</b>	<b>PO</b>	<b>LC</b>	<b>CC</b>	<b>CBD</b>	<b>LI</b>	<b>GI</b>
<b>ATTACHED SIGNS</b>												
Awning				P	P			P	P	P	P	P
Banner								P	P	P	P	P
Building Marker	P	P	P	P	P	P	P	P	P	P	P	P
Canopy								P	P	P	P	P
Business Identification	P	P	P	P	P	P		P	P	P	P	P
Marquee						P		P	P	P	P	P
Projecting	P	P	P	P	P	P		P	P	P		
Roof, Integral								P	P	P	P	P
Roof, Above Peak											P	P
Wall	P	P	P	P	P	P	P	P	P	P	P	P
Window						P	P	P	P	P	P	P
<b>MISCELLANEOUS</b>												
Flag, Non Commercial	P	P	P	P	P	P	P	P	P	P	P	P
Portable, Civic Uses Only	P	P	P	P	P	P	P	P	P	P	P	P
<b>DESIGN ELEMENTS – ILLUMINATION</b>												
Back-Lit								P	P			
Indirect, Civic Use Only	P	P	P	P	P	P		P	P	P	P	P
Internal, Civic Use Only	P	P	P	P	P	P		P	P	P	P	P
Neon									P	P	P	P
Electronic Information						P		P	P	P	P	P
Moving												P
Rotating												P

## SIGN REGULATIONS

**Table 10-2: Numbers, Dimensions and Locations of Signs by Zoning District**

SIGN TYPES	RES	R-1	R-2	R-3	R-4	IN-1,2,3	PO	LC	CC*	CBD***	LI*	GI*
<b>DETACHED SIGNS</b>												
Number Permitted Per Premise	1	1	1	1	1	1	1	1	NA	1	NA	NA
Per Feet of Frontage	NA	NA	NA	NA	NA	C	NA	C	F	H	G	G
Maximum Size (SqFt)	100	A	A	B	B	200	100	D	200	200	200	200
Maximum Height (Ft) of structure above ground	25	10	10	10	10	15	10	15	35	20	35	35
Front Yard Setback (Ft)	25	5	5	10	10	5	5	10	0	0	0	0
Side Yard Setback (Ft)	10	10	10	10	10	5	5	10	5	0	0	0
<b>ATTACHED SIGNS</b>												
Maximum Size (SqFt)	100	*	*	**	**	E	NA	E	300	200	200	200
Max % of Street Façade	NA	NA	NA	NA	NA	20	NA	20	20	20	25	25

- A:** Total of all signs attached or detached cannot exceed 32 square feet for civic uses. Total of all signs attached or detached cannot exceed 2 square feet for residential uses including home occupations
- B:** Total of all signs attached or detached cannot exceed 48 square feet for project identification signs for multi-family or mobile home development and for non-residential uses when permitted  
Total of all signs attached or detached cannot exceed 2 square feet for residential uses including home occupations
- C:** Square feet of signage per linear foot of frontage: 1 square foot with a maximum of 75 square feet.
- D:** Total of all signs attached and detached cannot exceed 100 square feet for non-residential premises only, 75 square feet for premises with primary residential use, for project identification signs for multi-family developments, 2 square feet for residential uses, including home occupations.
- E:** Total of all signs attached and detached cannot exceed 100 square feet for non-residential premises only, 75 square feet for premises with primary residential use, for project identification signs for multi-family developments, 2 square feet for residential uses, including home occupations.
- F:** 1 sign allowed per 300 feet of frontage, if frontage of premises is 50 feet or less only one sign is allowed with a maximum of 100 square feet.
- G:** 1 sign per 200 feet of frontage
- H:** For premises with frontage of 25 feet or less, one detached sign up to 90 square feet is allowed, for premises with frontage of more than 25 feet may use 3 square feet per lineal feet of frontage to a maximum of 200 square feet for a detached sign.
  
- \*** Maximum total square feet of all signs is 500 square feet. Allowed 2 square feet signage per linear foot of frontage.
- \*\*** Maximum total square feet of all signs is 600 square feet. Allowed 2 square feet signage per linear foot of frontage.
- \*\*\*** Maximum total square feet of all signs is 400 square feet.

## SIGN REGULATIONS

### 1008 General Permit Procedures

a. Applicability

Any installation, modification, or expansion of any sign, which is not exempt from the provisions of this Article, shall be subject to the following permit procedure prior to installation.

b. Maintenance of Valid Sign Permit

The owner/tenant of a property containing signs requiring a permit under this ordinance shall at all times maintain in force a sign permit for such property. Sign permits shall be issued for individual zoned lots or business frontages. A sign permit may be revoked if the sign is not maintained in good condition.

c. Sign Permit Applications

All applications for sign permits shall be submitted to the Zoning Administrator in accordance with application specifications established by the Zoning Administrator.

d. Action

Within ten working days of the submission of a complete application for a sign permit, the Zoning Administrator shall either:

1. Issue the sign permit, if the sign conforms to the provisions of this Article.
2. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform to the requirements of this Article.

e. Permit Expiration

If a sign is not constructed in accordance with an approved permit within six months of the date of approval, such permit shall lapse.

f. Assignment of Sign Permits

A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises.

### 1009 Nonconforming Signs

a. All permanent signs in place and lawfully established on the effective date of this Ordinance shall be considered as legal nonconforming signs. The copy of such a sign may be changed from time to time, provided that the sign area shall not be enlarged beyond the sign area in existence on the effective date.

b. Any nonconforming sign which presently is or becomes structurally damaged or deteriorated, more than 50% of its replacement cost, shall be either removed or altered so

## SIGN REGULATIONS

as to comply with this Article.

- c. As an exception to 1009(a) portable signs or parts of which are being used as permanent signs shall not be considered legal non-conforming signs and shall be removed six months from effective date of this ordinance.

## NONCONFORMING DEVELOPMENT

# 11 ARTICLE ELEVEN – NONCONFORMING DEVELOPMENT

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### 1101 Purpose

Article 11 shall be known as the Nonconforming Development Regulations. The purposes of these regulations are:

- a. To allow for reasonable use of legally created lots of record, which do not meet current minimum requirements for their respective zoning districts.
- b. To provide for reasonable use of legally constructed structures that do not meet current site development regulations for their respective zoning districts.
- c. To allow for the reasonable continuation of legally established uses, which do not meet current use regulations for their respective zoning districts.
- d. To limit the continuation and provide for the gradual replacement of nonconforming uses.

### 1102 Regulations Additive

Regulations for nonconforming uses are in addition to regulations for nonconforming structures. In the event of a conflict, the most restrictive regulation shall apply.

### 1103 Nonconforming Lots

a. Pre-Existing Lots of Record

Nonconforming lots of record existing at the time of the adoption of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any use allowed by the regulations for the district and must comply with all other site development regulations set forth by the Zoning Ordinance.

b. Reductions Due to Public Acquisition

If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

## NONCONFORMING DEVELOPMENT

### 1104 Nonconforming Structures

These regulations apply to buildings and structures, which were constructed legally under regulations in effect before the effective date of this Ordinance.

a. Continuation

A lawful nonconforming structure existing on the effective date of this Title may be continued, repaired, maintained, or altered, subject to the provisions of this Section.

b. Additions or Enlargements to Nonconforming Structures

1. A lawful nonconforming structure may be added to or enlarged if the addition satisfies either of the following conditions:

- (a) The enlargement or addition, when considered independently of the existing building, complies with all applicable setback, height, off-street parking, and landscaping requirements.
- (b) The nonconforming building and impervious surface coverages on the site are not increased and the building, after the addition, conforms to height and off-street parking regulations applicable to its zoning district.

2. No permitted addition to a nonconforming structure may place a wall within ten feet of a window of a pre-existing residential structure in a residential zone, on an adjacent lot.

c. Moving of Nonconforming Structures

A lawful nonconforming building or structure shall not be moved in whole or in part to another location on its lot unless every part of the structure conforms to all site development regulations applicable to its zoning district when the move has been completed.

d. Repair of Nonconforming Structures

A lawful nonconforming building damaged by fire, explosion, storm or other calamity may be repaired and reconstructed provided there is no increase in the degree of nonconformity.

e. Conversion of a Conforming Building

A conforming building shall not be changed in any way that will result in a nonconforming development.

f. Applicability of Landscaping and Screening Regulations

A pre-existing structure, building, or development shall be exempt from Article 8, Landscaping and Screening Regulations. However, any expansion of such structure, building, or development or any adjacent new development onto property that is or becomes vacant on or after the effective date of this Ordinance shall be subject to Article 8.

## NONCONFORMING DEVELOPMENT

### 1105 Nonconforming Uses

a. Continuation of Nonconforming Uses

Any nonconforming use lawfully existing on the effective date of this Ordinance may continue, subject to the limitations of this Section.

b. Enlargement of Nonconforming Uses

A building or structure housing a lawful nonconforming use may not be added to or enlarged in the RES or any R District. Any building in districts other than a "RES" or "R" District devoted to a use made non-conforming by this ordinance may be structurally altered or enlarged in conformity with the lot area, lot width, yard and height requirements of the district in which situated. In the event of such structural alteration or enlargement of structures, the premises involved may not be used for any non-conforming use other than the use existing on the effective date of this ordinance, other provisions of this ordinance notwithstanding.

c. Abandonment of Nonconforming Use

If any structure or property used as a lawful nonconforming use becomes vacant or unused for a continuous period of twelve months, any subsequent use must conform to all use regulations applicable to the property's zoning district. This period may be extended for not more than six months at a time upon application of the owner of the premises to the City Council. Such application must be received prior to the expiration of the initial six-month grace period. The application shall be reviewed by the Planning and Zoning Commission prior to consideration by the City Council. The City Council may impose additional requirements as part of its consideration of an extension of non-conforming status.

d. Change of Use

A lawful nonconforming use may be changed only to a use type permitted in a zoning district that is equal to or less intensive than that normally required for the previous use.

e. Allowance for Repairs

Repairs and maintenance of a structure occupied by a nonconforming use may be made, provided that no structural alterations are made other than those required by law.

f. Damage or Destruction of Structures

1. Should a structure occupied by a lawful nonconforming use be damaged to the extent that the cost of restoration exceeds 50 percent of the replacement cost of the structure, the nonconforming use shall no longer be permitted.
2. For buildings for which reconstruction is permitted, such reconstruction shall begin within one year of the date of the damage.

## NONCONFORMING DEVELOPMENT

g. Nonconforming Uses and Conditional Use Permits

A lawful pre-existing use, which would require a Conditional Use Permit in its zoning district, shall be presumed to have the appropriate Permit and shall be considered a conforming use. The use shall be subject to the regulations governing lapses or revocation of Permits, set forth in Article 12.

## ADMINISTRATION AND PROCEDURES

# 12

## ARTICLE TWELVE – ADMINISTRATION AND PROCEDURES

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### 1201 Purpose

The Administration and Procedures Provisions establish the methods for implementation of the Zoning Ordinance. These provisions include procedures for reviewing specific uses within certain zoning districts; amending the Zoning Ordinance; and granting variances.

### 1202 Site Plan Review Procedure

a. Purpose

The Site Plan Review Procedure provides for the administrative review in addition to plan review required by other sections of the Storm Lake Municipal Code of projects that have potentially significant effects on traffic circulation or a significant effect on land uses in adjacent neighborhoods. The procedure provides for review and evaluation of site development features and possible mitigation of unfavorable effects on surrounding property.

b. Administration

The Zoning Administrator or his/her designee shall review, evaluate, and act on all site plans submitted pursuant to this procedure. An applicant may appeal a denial of any application to the Board of Adjustment.

c. Uses Requiring Site Plan Review

The following selected uses shall follow the Site Plan review procedure prior to the issuance of a building permit, unless they are otherwise subject to a Conditional Use Permit procedure for specific zoning districts.

1. Multiple family developments
2. Education Facilities
3. Automotive Washing
4. Automotive Sales
5. Any use including drive-in services.
6. Any commercial, industrial, or office building providing over 15,000 square feet in building area.
7. Any industrial use adjacent to a residential zoning district.

## ADMINISTRATION AND PROCEDURES

### d. Application Requirements

The owner(s) or the owners' authorized agent of a property may file an application for a Site Plan Review with the Zoning Administrator. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address, and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. A site plan, drawn to a scale sufficient to permit adequate review and dimensioned as necessary, showing the following information:
  - a) The date, scale, north arrow, title, name of owner, and name of person preparing the site plan.
  - b) The location and dimensions of boundary lines, easements, and required yards and setbacks of existing and proposed buildings and site improvements.
  - c) The location, size, and use of proposed and existing structures on the site.
  - d) The location of all proposed site improvements, including parking and loading areas, pedestrian and vehicular access, sewers, sidewalks, utilities, service areas, fencing, screening, landscaping, and lighting.
  - e) Location of any major site features, including drainage and contours at no greater than five-foot intervals.
  - f) Any other information that may be required for review by the Zoning Administrator, or his/her designee.

### e. Administrative Action and Appeal

The Zoning Administrator or his /her designee must act upon each complete application within 15 working days of filing. An applicant may appeal a denial to the Board of Adjustment within ten days of the action. The Board of Adjustment shall consider the appeal at the first available meeting after the filing of the appeal.

### f. Review and Evaluation

1. The Zoning Administrator, or his/her designee (or the Board of Adjustment in cases of appeal), shall review and approve the site plan based on the criteria established in Table 12-1 and conformance with applicable regulations in this Zoning Ordinance.
2. The Zoning Administrator, or his/her designee (or the Board of Adjustment in cases of appeal), shall make the following findings before approval of the site plan:

## ADMINISTRATION AND PROCEDURES

- a) The proposed development, together with any necessary modifications, is compatible with the criteria established in Table 12-1.
- b) The site plan conforms to the Zoning Ordinance.

### g. Modification of Site Plan

The Zoning Administrator, or his/her designee (or the Board of Adjustment in cases of appeal), may require modification of a site plan as a prerequisite for approval. Required modifications may be more restrictive than base district regulations and may include, but not be limited to, additional landscaping or screening; installation of erosion control measures; improvement of access or circulation; rearrangement of structures on the site; or other modifications deemed necessary to protect the public health, safety, welfare, community character, property values, and/or aesthetics.

### h. Term and Modification of Approval

1. A Site Plan Approval shall become void one year after the date of approval, unless the applicant receives a Building Permit and diligently carries out development prior to the expiration of this period.
2. The Zoning Administrator, or his/her designee, may approve an application to modify a previously approved site plan if he/she determines that the modification does not affect findings related to the criteria set forth in Table 12-1.
3. The Zoning Administrator or his/her designee may revoke a Site Plan Approval if he/she determines that the development is not complying with the terms and conditions of the approval. Such revocation may be appealed to the Board of Adjustment.

### i. Approval to Run With Land

An approval pursuant to this section shall run with the land until the expiration date of such approval.

## 1203 Conditional Use Permit Procedure

### a. Purpose

The Conditional Use Permit Procedure provides for Planning and Zoning Commission review and discretionary Board of Adjustment approval for uses within zoning districts, which have unusual site development, or operating characteristics that could adversely affect surrounding properties.

### b. Administration

The Planning and Zoning Commission shall review and evaluate each application and transmit its recommendation to the Board of Adjustment. The Board of Adjustment shall review, evaluate, and act upon all applications submitted pursuant to this procedure.

## ADMINISTRATION AND PROCEDURES

### c. Application Requirements

The owner(s) of a property or the owners' authorized agent may file an application for a Conditional Use Permit with the Zoning Administrator. The application shall include the following information:

1. Name and address of the applicant.
2. The address and legal description of the property.
3. A description of the nature and operating characteristics of the proposed use.
4. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.

### d. Approval Process

1. The Planning and Zoning Commission, following proper notice, shall hold a public hearing on each Conditional Use Permit and, following such public hearing, shall recommend action to the Board of Adjustment.
2. The Board of Adjustment shall act on the Conditional Use Permit following the public hearing held by the Planning and Zoning Commission.

### e. Criteria for Review

1. The Planning and Zoning Commission and the Board of Adjustment shall review and approve the application based on the criteria established in Table 12-1 and conformance with applicable regulations in this Zoning Ordinance.

### f. Scope of Board of Adjustment's Approval

1. The Board of Adjustment may, at its discretion, limit a Conditional Use Permit to a specific owner or applicant. The Board of Adjustment may establish special site development or operational regulations as a condition for approval of a Conditional Use Permit. If the application is approved, the applicant must file with the Buena Vista County Recorder, an attachment to the deed of the property for which the conditional use permit was granted, specifying the conditions and circumstances of the conditional use permit.
2. The Board of Adjustment shall not grant a Conditional Use Permit for any home occupation/home-based business, which is otherwise prohibited under Section 610 of this Ordinance.

### g. Lapse and Revocation of Permit

1. A Conditional Use Permit shall become void one year after its effective date if the applicant has not carried out development or occupancy during that period.

## ADMINISTRATION AND PROCEDURES

2. The Board of Adjustment may revoke a Conditional Use Permit should the operation of the use subject to such permit violate the conditions under which the permit was granted.

h. Previously Approved Permits

Any conditional use approved under regulations in effect before the effective date of this Ordinance shall be considered to have a valid Conditional Use Permit, subject to requirements imposed at the time of its approval.

**TABLE 12-1: Criteria for Site Plan Review and Conditional Use Permits**

	CRITERION	APPLICATIONS TO	
		Site Plan Review	Conditional Use Permit
<b>Land Use Compatibility</b>			
Use Compatibility	That the use is so designed located and proposed to be operated that the public health, safety, welfare and convenience will be protected.		<b>X</b>
Property Valuation	That the use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.		<b>X</b>
Fire Safety	That the use will not substantially increase fire hazards.		<b>X</b>
Zoning Compatibility	That the use will be compatible with adjoining development and the proposed character of the zone district where it is to be located.		<b>X</b>
Development Density	Site area per unit or floor area ratio should be similar to surrounding uses if not separated by major natural or artificial features.		<b>X</b>
<b>Height and Scale</b>			
Height and Bulk	Development should minimize differences in height and building size from surrounding structures. Differences should be justified by urban design considerations.	<b>X</b>	<b>X</b>
Setbacks	Development should respect pre-existing setbacks in surrounding area. Variations should be justified by site or operating characteristics.	<b>X</b>	<b>X</b>
Building Coverage	Building coverage should be similar to that of surrounding development if possible. Higher coverage should be mitigated by landscaping or site amenities.	<b>X</b>	<b>X</b>

## ADMINISTRATION AND PROCEDURES

	CRITERION	APPLICATIONS TO	
		Site Plan Review	Conditional Use Permit
<b>Site Development</b>			
Frontage	Project frontage along a street should be similar to lot width.	X	X
Parking and Internal Circulation	Parking should serve all structures with minimal conflicts between pedestrians and vehicles.	X	X
	All structures must be accessible to public safety vehicles.	X	X
	Development must have access to adjacent public streets and ways. Internal circulation should minimize conflicts and congestion at public access points.	X	X
Landscaping	Landscaping should be integral to the development, providing street landscaping breaks in uninterrupted paved areas, and buffering where required by surrounding land uses. Parts of site with sensitive environmental features or natural drainage ways should be preserved.	X	X
Building Design	Architectural design and building materials should be compatible with surrounding areas or highly visible locations		X
<b>Operating Characteristics</b>			
Traffic Capacity	Project should not reduce the existing level of traffic service on adjacent streets. Compensating improvements will be required to mitigate impact on street system operations.	X	X
External Traffic Effects	Project design should direct non-residential traffic away from residential areas.	X	X
Operating Hours	Projects with long operating hours must minimize effects on surrounding residential areas.	X	X
Outside Storage	Outside storage areas must be screened from surrounding streets and less intensive land uses.	X	X
<b>Public Facilities</b>			
Sanitary Waste Disposal	Developments within 500 feet of a public sanitary sewer must connect to sewer system.	X	X
	Sanitary sewer must have adequate capacity to serve development	X	X

## ADMINISTRATION AND PROCEDURES

	CRITERION	APPLICATIONS TO	
		Site Plan Review	Conditional Use Permit
Storm Water Management	Development should handle storm water adequately to prevent overloading of public storm water management system.	<b>X</b>	<b>X</b>
	Development should not inhibit development of other properties.	<b>X</b>	<b>X</b>
	Development should not increase probability of erosion, flooding, landslides, or other run-off related effects.	<b>X</b>	<b>X</b>
Utilities	Project must be served by utilities.	<b>X</b>	<b>X</b>
	Rural estate subdivisions should be located in designated areas that can accommodate utility and infrastructure installation consistent with the need to protect the environment and public health.	<b>X</b>	<b>X</b>
<b>Comprehensive Plan</b>	Projects should be consistent with the City of Storm Lake's Comprehensive Plan.		<b>X</b>

### 1204 Amendment Procedure

a. Purpose

The Amendment Procedures describe the methods by which changes may be made in the text of the Zoning Ordinance (text amendment) and/ or the official boundaries of zoning districts (rezoning).

b. Initiation of Amendments

1. Text amendments may be initiated by the Planning and Zoning Commission or City Council; citizens may request a change through the Planning and Zoning Commission.
2. Rezoning may be initiated by a property owner or authorized agent; the Planning and Zoning Commission; or the City Council.

c. Rezoning Application Requirements

1. Changes and amendments. This ordinance and the districts created by said ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by, or shall have an application submitted to the Planning and Zoning Commission for review and recommendation. The Planning and Zoning Commission shall hold a public hearing, for which a notice shall be published as required by Iowa Code 362.3. The Planning and Zoning Commission shall have (45) forty-five days in which to submit its report to the City Council. If the Commission fails to submit a report within the (45) forty-five-day period, the Council

## ADMINISTRATION AND PROCEDURES

shall take action on the proposed amendment without a recommendation from the Planning and Zoning Commission.

- (a) Such application shall be filed with the Administrative Officer accompanied by a fee as determined by the City Council and approved on their most current fee resolution and shall contain the following information:
  - 1) The legal description and local address of the property.
  - 2) The present zoning classification and the zoning classification requested for the property.
  - 3) The existing use and proposed use of the property.
  - 4) The names and addresses of the owners of all property within two hundred feet (300') of the property for which the change is requested.
  - 5) A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
  - 6) A plat showing the locations, dimensions and use of the applicant's property and all property within two hundred feet (300') thereof including streets, alleys, railroads, and other physical features.

All fees shall be deposited to the General Revenue fund of the City. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

2. In case the Planning and Zoning Commission does not approve the change or, in a case of a protest filed with the City Council against a change in district boundaries signed by the owners of (20%) twenty percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto and within (200') two hundred feet of the boundaries thereof, such amendment shall not be passed except by the favorable vote of (3/4) three-fourths of all the members of the City Council.
3. Application for Change in Zoning District Boundaries. Any person may submit to the Planning and Zoning Commission an application requesting a change in the zoning district boundaries as shown on the official zoning map.
  - (a) Such application shall be filed with the Administrative Officer accompanied by a fee as determined by the City Council and approved on their most current fee resolution and shall contain the following information:
    - 1) The legal description and local address of the property.
    - 2) The present zoning classification and the zoning classification requested for the property.
    - 3) The existing use and proposed use of the property.
    - 4) The names and addresses of the owners of all property within two hundred feet (300') of the property for which the change is requested.
    - 5) A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
    - 6) A plat showing the locations, dimensions and use of the applicant's property and all property within two hundred feet (300') thereof including streets, alleys, railroads, and other physical features.

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All fees shall be deposited to the General Revenue fund of the City. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

- (b) Upon receipt of the application by the Administrative Officer, a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall, prior to making a recommendation determine the following:
- 1) Whether or not the current district classification of the property to be rezoned is valid.
  - 2) Whether there is a need for additional land zoned for purpose requested.
  - 3) Whether the proposed change is consistent with the current land use plan, considering such factors as:
    - i. Whether the rezoning would result in a population density or development, which would in turn cause a demand for services and utilities in excess of the capacity, planned for the area.
    - ii. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
    - iii. Whether there is intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.
- (c) The Planning and Zoning Commission shall report its determinations and recommendations to the Council within forty-five (45) days from receipt of the application, except that when no report is issued within that time, the application will be forwarded to the City Council without a recommendation.

d. Required Notice and Publication

Prior to consideration of amending, supplementing, changing, modifying, or repealing this ordinance by the governing body, notice of public hearings shall be provided by the three following methods, as determined by the City:

1. Notice of Meeting: A notice shall be posted as required by Iowa Code Section 21.4.
2. Publication: A notice of such hearing shall be published as required by Iowa Code Section 362.3 and Section 414.4. Such notice shall include the date, time, place, and subject matter of hearing.
3. Notification by Mail: City Staff shall mail notice of the time, place, and subject matter of the hearing to those persons who own property within 300 feet of the subject site at least seven days prior to the date of the hearing.

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e. Approval by City Council

All requests for amendments must be approved by the City Council consistent with Iowa Code of Laws.

### 1205 Annexed Territory

All territory, which may hereafter be annexed to the City, shall be in the RES – Reserve District. However, the Planning and Zoning Commission may recommend the appropriate district classification prior to such territory becoming part of the City and upon holding a public hearing and with approval of the City Council the territory upon becoming part of the City may be immediately so classified.

### 1206 Building Permits and Certificates of Zoning Compliance

a. Administration and Enforcement

1. The Zoning Administrator shall administer and enforce this ordinance.
2. If the Zoning Administrator, or his/her designee shall find that any of the provisions of this ordinance are being violated, he/she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He/she shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

b. Building Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the administrative official. No building permit shall be issued by the administrative official except in conformity with the provisions of this ordinance, unless he/she receives a written order from the Board of Adjustment in the form of an administrative review, conditional use permit, or variance as provided by this ordinance.

1. As an exception to the above, a single accessory building not exceeding 144 square feet may be constructed without a permit, providing it meets all required setbacks and is accessory to a principle use.

c. Application for Building Permit

All applications for building permits shall include plans if applicable in duplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration.

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The application shall include such other information as lawfully may be required by the administrative official, including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

The administrative official shall return one copy of the plans to the applicant, after he/ she shall have marked such copy either as approved or disapproved and attested to it by his signature on such copy. The administrative official shall retain one copy of the plans, similarly marked.

d. Certificates of Zoning Compliance for New, Altered or Non-Conforming Uses

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, altered, or enlarged 25% of its use or structure until a certificate of zoning compliance shall have been issued therefore by the administrative official stating that the proposed use of the building or land conforms to the requirements of this ordinance.

e. Expiration of Building Permit

1. If the work described in any building permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; the administrative official shall cancel it; and written notice thereof shall be given to the persons affected.
2. If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.
3. The expiration date of a building permit may be established for a period longer than two years if established at the time that the City issues such permit. The Zoning Administrator, or his/her designee may, at his/her discretion extend the expiration period of the building permit.

f. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Zoning Compliance

Building permits or certificates of zoning compliance issued on the basis of plans and applications approved by the administrative official authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance, and punishable as provided by Section hereof.

## ADMINISTRATION AND PROCEDURES

### 1207 Schedule of Fees, Charges, and Expenses

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, and other matters pertaining to this ordinance.

The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by the City Council.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

### 1208 Board of Adjustment

#### a. Establishment

1. A Board of Adjustment is hereby established. The Board shall consist of five regular members.
2. Each member shall be appointed by the City Council for a five-year term and is removable for cause by the City Council upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
3. The Board of Adjustment shall adopt rules and regulations in accordance with this ordinance and the Code of Iowa. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Such chairman, or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings and records shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact. The Board shall keep a record of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. A majority of the Board shall constitute a quorum for the transaction of business.

#### b. Procedure for Appeals

1. Appeals shall be made to the Board of Adjustment through the office of the Zoning Administrator in written form as determined by the Zoning Administrator. The Board shall fix a reasonable time for the hearing of the appeal and shall decide the appeal within 30 days of the date of the public hearing. An appeal stays all proceedings in furtherance of the action, unless the Zoning Administrator certifies to the Board that by reason of the facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life or property.
2. The Board shall provide a notice of a public hearing on any question before it. Notice of the hearing shall be published as required by Iowa Code Section 362.3; and by written notice to the appealing party.

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3. Upon the public hearing, any party may appear in person or by agent or attorney. The concurring vote of three out of five members of such board as so composed shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any zoning ordinance, or to effect any variation in such ordinance.
4. A fee as determined by the City Council and approved on their most current fee resolution shall be paid to the Administrative Officer at the time the notice of appeal is filed, which the Administrative Officer shall forthwith pay over to the credit of the General Revenue Fund of the City.

### 1209 Powers and Duties of the Board Of Adjustment

The Board of Adjustment shall have only the following powers and duties:

a. Administrative Review:

To hear and decide appeals where it is alleged there is error in any order, requirement, decisions or determination made by the Zoning Administrator, or his/her designee in the enforcement of this Ordinance or any regulation relating to the location or soundness of structures

b. Conditional Use Permits:

To hear and decide the approval of applications for Conditional Use permits, as provided by this Ordinance. Procedures for Conditional Use Permits are established in Section 1203.

c. Variances to Relieve Hardships Relating to Property:

To authorize, upon appeal, variances from the strict application of this Ordinance where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulations; or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, such strict application would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property.

1. Requirements for Grant of a Variance. The Board shall authorize no such variance unless it finds that:
  - (a) Strict application of the zoning ordinance will produce undue hardship and would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
  - (b) Such hardship is not shared generally by other properties in the same zoning district and in the same vicinity.
  - (c) The authorization of such variance will not be of substantial detriment to adjacent property and the granting of the variance will not change the

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character of the district.

- (d) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.
  - (e) The condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable a general regulation to be adopted as an amendment to this Zoning Ordinance.
  - (f) The granting of the variance will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of any Ordinance or Resolution.
2. Findings by Board. The Board of Adjustment shall make findings that the requirements of Section 1209(c)(l) have been met by the applicant for a variance.
3. Conditions for Grant of Variance.
- (a) In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 1213 of this Ordinance.
  - (b) Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.
  - (c) No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
  - (d) Effective Date of Variances/Review by Council:

Every variance granted by the Board of Adjustment shall be subject to review by the City Council, and the Council may, in its discretion, remand a decision to grant a variance back to the Board of Adjustment for further consideration.

The only persons authorized to request the remand of a decision to grant a variance shall be the Mayor, the City Administrator, the City Attorney or the Zoning Administrator, and the only grounds for requesting a remand shall be that legal error is believed to have occurred in the procedures followed by the Board of Adjustment or that the evidence presented by the applicant did not support the finding required by 1209(c)(1), or that the variance granted was beyond the authority of the Board of Adjustment. On remand, all parties shall be permitted to introduce such additional relevant evidence, as they deem appropriate.

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To facilitate review by the City Council, no variance granted by the Board of Adjustment shall become effective until the day following the next regularly scheduled council meeting, which occurs more than four calendar days after the Board of Adjustment meeting at which the variance is granted. If the Council does remand the granting of a variance back to the Board of Adjustment, the effective date of the variance is delayed for thirty days from the date of the remand.

If the granting of a variance is remanded to the Board of Adjustment for reconsideration, the Board shall notify the applicant, the City Administrator and other interested parties of the time and place that the matter will be reconsidered, and after holding the rehearing, the Board shall either reaffirm its decision to grant the variance, or alternatively, it shall deny the variance.

d. Board has Powers of Zoning Administrator on Appeals: Reversing Decisions of Zoning Administrator

In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decisions, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken.

The concurring vote of three members of the Board shall be necessary to reverse any order, requirements, decision, or determination of the administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in the application of this ordinance.

### 1210 Appeals from the Board of Adjustment

Any person or persons, or any board, taxpayer, officer, department, board or bureau of the city aggrieved by any decision of the Board of Adjustment may seek review of such decision by a court of record in the manner provided by the laws of the State and particularly by Chapter 414, Code of Iowa.

### 1211 Severability Clause

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

### 1212 Complaints Regarding Violations

Whenever a violation of this ordinance occurs, any person may file a written complaint. Such complaints stating fully the causes and basis thereof shall be filed with the Zoning Administrator.

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He/she may record properly such complaint immediately, investigate, and take action thereon as provided by this resolution.

### 1213 Penalties for Violation

a. Violation and Penalty

Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional use permits) shall constitute a municipal infraction, subject to the penalties and alternative relief authorized by Title I, Chapter 20 of the City Code and by Section 364.22 of the Code of Iowa.

b. Restraining Order

In case any building is built, developed, altered, or otherwise used in violation of this Ordinance, the City Attorney, in addition to other remedies, may institute any proper action or proceed in the name of the City of Storm Lake, to prevent such unlawful action; to restrain, correct, or abate such violation; or to prevent any illegal act, conduct, business, or use in or about said premises.

c. The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

d. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

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